

ENVIRONMENTAL REJUVENATION PLAN

(KHASRA NO. 371/1 VILLAGE BANKA, UMARIA)

In compliance of Hon'ble NGT order dated 22.8.2023 in

O.A. 40/2014 (CZ) Of

Lakhan Singh Dhurve

Vs.

State Of M.P. & Others

Prepared by: Joint Committee of MPPCB, Collector-Umaria, CPCB & DFO-Umaria

Submitted to: Collector, Umaria on 31.10.2023 for execution of the plan

Index

S. No.	Name of Topic	Page Number
1	Introduction	3-4
2	Current Status of the Mine Area	5-6
3	Environmental Rejuvenation Plan	7-8
4	Execution of Rejuvenation Plan	9
5	Timeline For Plan Execution	9
6	Brief On The Expenditure	10
7	Annexure	11

1.0 Introduction

A Writ Petition No. 1831/2009 (PIL) was filed by Lakhan Singh Dhurve in High Court of Madhya Pradesh at Jabalpur stating that applicant is Sarpanch of Gram Panchayat, Banka, Janpad Panchayat Karkeli, District Umaria (State of Madhya Pradesh) and M/s Tirupati Buildcon Pvt. Ltd. had installed a stone crusher unit on the land at Khasra no. 371/1, village Banka, though the said land is recorded as grazing land in revenue records.

Later the case was transferred to the Hon'ble NGT as an O.A. No. 40/2014. After the consecutive hearings the Tribunal considered the matter on 06.05.2015 and in respect of past violations committed by M/s Tirupati Buildcon Pvt. Ltd, the Tribunal Ordered the Project Proponent to deposit Rs. 5 Lakhs as Environmental Compensation in the first paragraph of the order dated 6.5.2015. (Copy of Order enclosed in **Annexure-01**). The said order is as follows :

“With reference to the earlier order and the hearing conducted on 05.05.2015 pertaining to the liability of the Project Proponent for carrying out restoration work and compensation measures. It is directed that Project Proponent shall deposit an amount of Rs. 5 lakhs (Five Lakhs) with the Registrar, Central Zone Bench, National Green Tribunal within 10 days.”

Further, the learned Counsel Shri Shreyas Dharmadhikari on behalf of Shri Shrey Raj Saxena, Learned Counsel for M/s Tirupati Buildcon Pvt. Ltd. brought in notice to the Hon'ble NGT that the Project Proponent has deposited the said amount of Rs. 5 Lakhs with the Collector (Mines), Umaria. (Copy of the NGT order dated 31.3.2016 is enclosed as **Annexure-02**)

However, the Hon'ble NGT order dated 6.5.2015 was challenged by M/s Tirupati Buildcon Pvt. Ltd. before the Supreme Court *M/s Tirupati Buildcom Pvt. Ltd. Vs. LAKHAN SINGH DHURVE & Ors. (Civil Appeal 9145 of 2015)* wherein an interim order was passed on 29.04.2016 by Hon'ble Supreme Court and stayed the operation of Tribunal's order dated 06.05.2015.

Later, the Civil Appeal no. *Civil Appeal 9145 of 2015* has been decided by Supreme Court vide judgement dated 18.07.2023 and Supreme Court's order reads as under:

“.....In order to cut short delay, parties are directed to appear before the NGT on 09.08.2023”.

Further, Hon'ble NGT vide its order dated 22.8.2023 stated under Para 23 to 25 as:

23. However, taking a considerate view in the matter, this Tribunal directed respondent 5 to deposit only Rs. 5 lakhs as compensation which has been deposited, in respect of past violations which were admittedly committed by it though subsequently it claimed to have removed those violations but subsequent removal of the violations will not condone past violations and PP is liable to pay compensation for the past violations.

24. PP has not appeared before Tribunal to place any submissions either to show that the amount of compensations directed to be deposited by it is not in accordance with law or

that there was no violation at all. In these circumstances direction of deposit of compensation in our view cannot be said to be incorrect or illegal or unjustified. Since mining operations and stone crushing units have already been closed, in this regard, no further order is required.

25. *In these circumstances, OA is disposed of with the direction that amount of compensation deposited by respondent 5 **shall be utilized for restoration/rejuvenation/ remediation of the environment** for which a Joint Committee comprising MPPCB, Collector, Umaria, a representative of CPCB and DFO, Umaria shall prepare a plan within 2 months and thereafter shall take steps for execution thereof and the amount of Rs. 5 lakhs lying deposit with the Tribunal shall be released in execution of the said plan.”*

In compliance of the order dated 22.8.2023, a committee of following officers was constituted to prepare restoration/ rejuvenation/ remediation of the environment plan within the stipulated time. (Copy of order enclosed as **Annexure-03**).

1. Mr. Sanjeev Mehra, Regional Officer, Shahdol appointed by MPPCB via letter no 2777 dated 14th September 2023
2. Ms. Farhat Jahan, District Mining Officer, Umaria appointed by Collector, Umaria via Letter no. /S.C./2023/ 3541.
3. Mr. Ravi Pandey, Forest Range Officer, Chandia appointed by DFO, Umaria via Letter No./steno/3492
4. Mr. Sunil Kr. Meena, Scientist ‘D’, Regional Directorate, appointed by CPCB via Letter No. {RD/BPL -/N.G.T. OA-40/2014(CZ)/1121 }.

(The copy of above letters is enclosed in as **Annexure-04**)

In compliance to NGT order dated 22.08.2023 w.r.t. OA No. 40/2014 (CZ) [Shri Lakhan Singh Dhurve V/s Govt. Of M.P. & Ors.], Collector, Umaria issued an order forming the Committee for formation of environment rejuvenation/restoration/remediation for utilizing EC submitted by the project proponent. The copy of order is enclosed as **Annexure-05**

2.0 Current Status of the Mine Area

Permission for mining of minerals (stone) on Khasra no. 371/1 was granted to M/s. Tirupati Buildcon Pvt. Ltd, Vill Banka, Tahsil: Chandia, Distt.Umaria by Office of the Collector, Minerals, Distt. Umaria on 17.06.2008. The permission for mining stones of 12000 cubic meters per year under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 was granted on 25.07.2008 on the basis of Mining Lease given by Mining Department, Dist.- Umaria and No Objection Certificate dated 05.10.2007 given by office of the Gram Panchayat vill: Banka, Janpad Panchayat – Kakreli. The area of above said mine is 5 acres.

A crusher was established for the manufacture of road stone on Rakba 2.436 acres, Khasra no. 375/2 about 300 meters away from the mining site. The place of mining and crusher is situated at the distance of about 2 kms at Banka Salaiya Pradhan Mantri Gram Sadak Marg in vill: Banka, Gram Panchayat: Banka, Teh: Chandiya, Distt. Umaria. Stone Quarry (Khasra no. 371/1) is situated on the left and crusher unit (Khasra no. 375/2) is situated on the right side above 300 meters of the road. Populated area is not found up to 1.00 km around the mine and crusher and the nearby land is stony and fallow. Vill: Majholi is situated in north east around 1.2 km, Vill: Baghadev in south west and Vill: Banka is situated in west around 1.5-2.0 km. Barbed wire was placed around the mine for the purpose of security. The unpaved road leading to village-Majholi is also situated on the east side of the mine. The crusher of the industry is established further on this Banka Salaiya Pradhan Mantri Gramin road. The area of the campus is 2.486 hectare where one hot mix plant is also situated along with stone crusher. The Stone Crusher has primary crusher, two secondary crushers one with return line and 05 conveyor belts for separate collection of ballast of different sizes.

The above said stone quarry and crusher is situated at sufficient distance from residential area. The nearby area is hilly & rocky. Due to absence of excessive overburden in the mine, the problem of its disposal was not reflected and it was found that the overburden has been collected at the mine boundary itself. In quarry mining work, stones are broken using explosives with the help of licensed blasting professional. Stones are taken out with the help of JCB machine and transported through trucks to the crusher unit. There is no water discharge from the process of mine and rain water collected in the mine was used for dust suppression. The area of the mine is small (5 acres). Mining operations were done manually till 2012 and after that permission was obtained to use explosives. The pit has been formed as a result of the extraction of minerals from the mine is a normal process which can be converted into a water storage source after the closure of mine which can be helpful in the groundwater enrichment of the area.

The Project Proponent was given a mining lease for 10 years from the Mining Department from 22.07.2008 to 21.07.2018. Later the mining lease was renewed by the mining department for 10 years up to 2028 and obtained Environmental Clearance from the State Environment Impact Assessment Authority (SEIAA), MP on 14.10.2020 via Endt. No. / 3609/ SEIAA/ 2020. Since the mining lease is still valid, the mine cannot be considered as abandoned.

The process of crusher industry does not generate hazardous waste. Waste oil generated from generators for crusher operation used to be disposed of by the recycler M/s Bhaskar Lubricants Pvt. Ltd, Jabalpur authorized by MPPCB. Therefore, no environmental damage from the hazardous wastes of the industry had been done.

Issue is related to M/s Tirupati Buildcon Private Limited, Stone Mine located at Khasra No. 371/1, mining lease area 1.960 hectare village-Banka, Tehsil-Chandia, District-Umaria. Production capacity of stone boulder from mine is 19000 cubic meter per year. Mining activity is not observed at site. Fencing has been done around the mining area. The mines having area more than 50 hectares is classified as Large Scale Industry, Mines having 5-50 hectares are classified as Medium Scale Industry, Mines having area less than 5 hectares are classified as Small Scale Industry. The mine of M/s Tirupati Buildcon has an area of 1.960 hectares and comes in the Small Scale Industry category.

M/s Tirupati Buildcon Pvt Ltd. obtained the contract from Madhya Pradesh Rural Road Development Authority (MPRRDA) for the Construction of Rural Road under Pradhan Mantri Gram Sadak Yojana (PMGSY) and routine maintenance of the works for five years.

M/s Tirupati Buildcon Private Limited, Stone Crusher located at Khasra no. 375/2, Rakwa 2.436 hectares, Village- Banka, Tehsil- Chandia and District-Umaria. Production capacity of stone gitti from stone crusher unit is 9000 cubic meter per year. Stone boulder is fed into crusher machine from where crushed material is sent to screening section. In screening section crushed material is sieved into various sizes such as zero mm (dust), 6 mm, 10 mm, 20 mm, 40 mm. During the visit stone crusher unit was not observed in operational condition.

The nearest road to stone mine & stone crusher unit is PMGSY road which appeared to be in good condition. There was no multi-storey building, schools, residential buildings observed within 500 meter from the unit.

Site was visited on date 12.10.2023 by the representatives from concerned department. Shri Sunil Kumar Meena, Sc-D, Regional Directorate, CPCB, Bhopal, Shri Ravi Pandey, Ranger, Forest Department, Chandia, Shri V.S. Shrivastava, Ranger, Forest Department, Dhamokhar, Shri Diwakar Chaturvedi, Assistant Mining Officer, Umaria & Shri S.K. Mehra, Regional Officer, MPPCB, Shahdol. No mining equipment /Machines such as Dumpers, Draglines, Bulldozers, Poclain etc. were found at the mine during the inspection by the committee members. The GPS photos taken during the inspection are enclosed in as **Annexure -06**

Considering the site location, it was observed that the mine area was under fencing and nearest road was in good condition. The plantation was not observed on the periphery and near the mine area. The dense plantation may rejuvenate the environmental condition.

3.0 Environmental Rejuvenation Plan

Development of micro-forest gives multiple benefits in reduction of ambient temperature, improve air quality, and reduce noise pollution. The soil stability, biodiversity, CO₂ sequestration are few of the other benefits too. The District Umaria falls under the rainfall zone of 1000-2000 mm.

The area of the Stone mine established in Khasra No. 371/1, Rakba 5 Acres is required to be rejuvenated and restored. It is proposed that sufficient amount of plantation needs to be done around the mine to rejuvenate the environment as trees help in improving of the environment quality and affect positively in the surroundings.

Agency to be engaged for plantation work:

Madhya Pradesh Rajya Van Vikash Nigam (MPRVVN), government body specialises in forestry and has wide experience.

Area of Plantation:-

1. In Khasra No. 371/1 area of about 0.2 hectares is available for plantation.
2. Plantation is proposed along the road for the length from the mine to stone crusher on both sides of the road.

Plantation work is planned to be carried to on the government owned land only and not on the private land.



The planned area for plantation

Above mentioned areas of plantation are marked on the photograph taken from Google earth.
(Copy is attached as **Annexure -07**)

Strategy for effective plantation:

- Selection of Tree Species For The Road Side Plantation:-

The selection of plants for road side plantation is to be made on following criteria-

- Plant should be fast growing, provide optimum penetrability and have dense canopy cover.
- Preferably dry deciduous with large leaf area index.
- Indigenous species.
- Species resistant to air pollutants.
- They should have to maintain ecological and hydrological balance of the region.
- Sustainable green cover with minimal maintenance.

The Plantation may include the following types of trees.

- **Fruit Bearing Trees:** Jamun, Imli, Ganga Imli, Bel, Mango, Seetafal etc.
- **Medicinal/Herbal Trees:** Neem, Karanj, Amla, Arjun etc.
- **Valuable Wood Trees:** Teak, Siwan/Khamhar, Sal, Bamboo, Babool, Kala Sisso, Sisso etc.
- **Aesthetic/Decoration Trees:** Gulmohar, Peepal, Amaltas etc.

The plantation must contain at least 30% of the fruit bearing trees.

- The above mentioned Plants seeds from the nurseries and proper arrangement shall be made to nurture and protect from the grazing animals in the area. These shall be arranged by the MPRVVN at the current rates and should be planted in the area surrounding the mine with sufficient gaps and planning so as to cover the whole area efficiently. After issuance of fund from the Hon'ble NGT/Collector-Umaria plantation can be done and the value of this plantation work shall not exceed environment compensation deposited by mine owner of Rs. 5 lakhs.
- The MPRVVN shall conduct plantation activities subject to all the laws, rules, statutory orders and regulations applicable to the site and nature of the work.

4.0 EXECUTION OF THE PLAN:

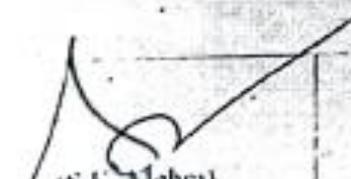
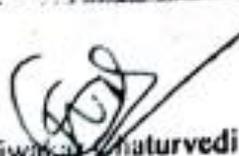
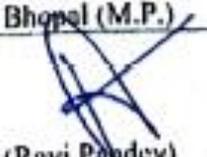
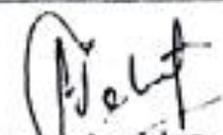
- i. Plantation job will be carried out with its subsequent maintenance up to 2028 (for further five years from 2023). Madhya Pradesh Rajya Van Vikas Nigam is an ancillary unit of Forest Department M.P. Government Forest department is very prominent member of the committee formed by the Hon'ble NGT.
- ii. Executive order will be issued by Collector, Umaria to MPRVVN to execute plantation work.
- iii. Long term Memorandum of Understanding between Collector, Umaria and MPRVVN, Umaria will be signed for accomplishment of plantation work on government owned land and acquired work with great expertise and supervision,
- iv. MPRVVN shall ensure certification confirmation that such plantation work is not funded under any other scheme/department/Authority.
- v. The MPRVVN shall conduct all the plantation activities subject to all laws, statutory order and regulation applicable to the site and nature of work. The work of site cleaning, soil digging, site preparation, plantation, composting, watering, RCC pillar, barbed fencing, display board of the work, replacement of the dead plants, maintenance for 5 years with minimum 80% survival of the plant, record keeping and reporting are the work to
- vi. The standard and acceptable norm of plantation are minimum of 2500 plants per hectare in plain mine site. The selection of species is arrived by mutual decision of committee members. However a particular species shall constitute more than 30% of the total plantation in a particular area.
- vii. The executive agency shall replace causality of plant during maintenance period.
- viii. Periodic joint monitoring shall be carried out by members of MPPCB, Forest Department, District Administration-Umaria & MPRVVN. If 80% survival is confirmed after the stipulated time by the above joint inspection, it will mark the success of the above scheme/Plan.

5.0 TIMELINE FOR PLAN EXECUTION:

S.No.	Details of the work	Responsible agency for execution of work	Timeline
1.	Plantation of Trees (approx. – 500) in the designated area (Khasra Number 371/1, Village Banka) & fencing (550 running meters)	Madhya Pradesh Rajya Van Vikas Nigam, Umaria (As per Contract)	2 Months
2.	Care and maintenance of the planted trees	Madhya Pradesh Rajya Van Vikas Nigam, Umaria	upto 5 Years (2023-24 to 2027-28)

6.0 BRIEF ON THE EXPENDITURE: (As per the Contract between MPRVVN and other Govt. Agencies such as SECL)

Rate per Plant/ Rate per Unit in the year of Operation (In Rs.)	Financial Year	Type of Activity	
		Plantation Around Mine & road side	Barbed Wire Fencing with RCC posts etc. complete job for one year only
Unit Rate for plantation in	1st year (2023-2024)	144.06	514.02
Unit Rate for plantation in 2 nd year i.e. 1 st year maintenance rate	(2024-2025)	65.78	-
Unit Rate for plantation in 3 rd year i.e. 2 nd year maintenance rate	(2025-2026)	27.31	-
Unit Rate for plantation in 4 th year i.e. 3 rd year maintenance rate	(2026-2027)	23.63	-
Unit Rate for plantation in 5 th year i.e. 4 th year maintenance rate	(2027-2028)	23.63	-
Total		284.41	514.02

 (S.K. Mehra) Regional Officer MP Pollution Control Board Shahdol (M.P.)	Digitally signed by SUNIL KUMAR MEENA Date: 2023.10.31 170038 +0530' (Sunil Kr Meena) Scientist 'D' Regional Directorate Central Pollution Control Board Bhopal (M.P.)	 (Mohit Sood) Forest Divisional Officer Forest Department Umaria (M.P.)
 Shri Diwan Lal Chaturvedi Astt. Mining Officer Mining Office Umaria (M.P.)	 (Ravi Pandey) Ranger Office of Forest Range Officer Chandiyu, District-Umaria (M.P.)	 Ms. Gurhar Jahan Dy. Director Mining Mining Office Umaria (M.P.)

ANNEXURES

S.No	Document Name	Page Number
1	Hon'ble NGT order dated 06 th May 2015	1
2	Hon'ble NGT order dated 31 th March 2016	2
3	Hon'ble NGT order dated 22 th August 2023	3-32
4	Copy of letter of nomination of representative by different Departments to form the committee	33-36
5	Copy of Order from Collector, Umaria forming the committee for making environment restoration/rejuvenation/remediation	37
6	Photograph taken during site inspection done by joint committee on 12.10.2023	38-39
7	Google map of mine site for proposed plantation	40

**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL
BENCH, BHOPAL**

Original Application No. 40/2014 (THC) CZ
Lakhan Singh Dhurve Vs. State of M.P. & 4 Ors.

CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER

PRESENT : Applicant : None.
Respondent No. 1 : Shri Sachin K. Verma, Advocate
Respondent No. 4 : Ms. Parul Bhadoria, Advocate for
Shri Purushaindra Kaurav, Advocate
Respondent No. 5 : Shri Shrey Raj Saxena, Advocate

Date and Remarks	Order of the Tribunal
<p>Item No. 10 6th May, 2015</p>	<p>With reference to the earlier order and the hearing conducted on 05.05.2015 pertaining to the liability of the Project Proponent for carrying out restoration work and compensation measures. It is directed that Project Proponent shall deposit an amount of Rs. 5 lakhs (Five Lakhs) with the Registrar, Central Zone Bench, National Green Tribunal within 10 days.</p> <p>Vide order dtd. 11th March, 2015 it was directed that the District Collector, Umariya shall direct the SDO, Umariya as well as Tehsildar, Umariya to appear before the Tribunal on 24.03.2015. On 24.03.2015 also the said officers did not appear and matter was posted for 15.04.2015, on which date the Tribunal directed issuance of bailable warrant for securing the presence of the SDO as well as Tehsildar concerned for their appearance on 05.05.2015. The explanation of Superintendent of Police, Umariya to whom the bailable warrant were sent in terms of our order on 15.04.2015 be called and he may be directed to explain by appearing in person as to whether or not bailable warrant have been served.</p> <p>Matter may be listed on 20th May, 2015. Copy of this order be sent to Superintendent of Police, Umariya for compliance.</p> <p style="text-align: right;">.....JM (DALIP SINGH)</p>

,EM (RANJAN CHATTERJEE)
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**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL
BENCH, BHOPAL**

Original Application No. 40/2014 (THC) CZ
Lakhan Singh Dhurve Vs. State of M.P. & 4 Ors.

CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER

PRESENT : Applicant : None.
Respondent No. 4 : Ms. Shikha Gupta, Advocate for
Shri Purushaindra Kaurav, Advocate
Respondent/State : Shri Sachin K.Verma, Advocate

Date and Remarks	Order of the Tribunal
<p>Item No. 4</p> <p>31st March, 2016</p>	<p>Shri Shreyas Dharmadhikari, Learned Counsel appearing on behalf of Shri Shrey Raj Saxena, Learned Counsel for the Respondent No. 5 has brought to our notice that an amount of Rs. 5,00,000/- has been deposited by the Respondent No. 5 with the Collector (Mines), Umaria. We would accordingly direct the Collector (Mines), Umaria to deposit the said amount with the Registrar, National Green Tribunal Central Zone Bench, Bhopal in terms of our order dtd.20.05.2015. Copy of this order shall be served by the Respondent No. 5 upon the Collector (Mines), Umaria for compliance.</p> <p style="text-align: right;">Let this matter be listed and compliance reported on 6th May, 2016.</p> <p style="text-align: right;">.....,JM (DALIP SINGH)</p> <p style="text-align: right;">.....,EM (Dr. S.S.GARBYAL)</p>

Item No.05

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONAL BENCH, BHOPAL**

(By Virtual Mode)

Original Application No.40/2014(CZ)

Lakhan Singh Dhurve

Applicant(s)

Versus

State of Madhya Pradesh & Ors.

Respondent(s)

Date of hearing: 22.08.2023

**CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

For Applicant(s) : None Through VC

For Respondent(s): Ms. Parul Bhadoria, Adv. for MPPCB & State of M.P.

Mr. Sanjeev Mehra, RO, MPPCB, Shahdol

Mr. Sachin K. Verma, Adv. for R-1, Department of Panchayat & Rural Development

ORDER

1. This Original Application was disposed of vide order dated 28.11.2016. The relevant extract of order is as under:

*“It is submitted by the Learned Counsel for the MPPCB in the additional reply submitted today in response to our order dtd. 18.10.2016 & 16.11.2016 that the Hot Mix Plant, Cement Pipe and Pole Industry are not in operation. As had been noted earlier the mining operation and stone crusher unit are already closed and not in operation. In view of the above, at this stage no further directions are required to be issued. **As such the matter is disposed of with the direction that in case any operations are resumed the same shall be brought to the notice of this Tribunal and the Respondent No. 5 shall before commencing the operation seek the leave of this Tribunal and obtain all necessary permissions that may be required before resuming any operations. So far as the matter pending before the Hon'ble Supreme Court is concerned as and when orders are received from the Hon'ble Supreme Court the same shall be brought to the notice of the Tribunal by the Registry.***

In view of the above, the matter is ordered to be consigned to record.”

2. Now, it was been listed again in view of Supreme Court's order dated 18.07.2023 where it appears that parties did not inform the Supreme Court that proceeding before this Tribunal have culminated into a final order and instead it appears that Supreme Court was informed that final order has not been passed and Tribunal has not proceeded further after order dated 06.05.2015 which was challenged before the Supreme Court was stayed by order dated 29.04.2016.

3. Supreme Court vide order dated 18.07.2023 directed the parties to appear before this Tribunal but none appeared on behalf of M/s. Tirupati Buildcom Pvt. Ltd. who was appellant before Supreme Court.

4. Further, Learned Counsel appearing for Madhya Pradesh Pollution Control Board (hereinafter referred to as '**MPPCB**') even today has not been able to pin point the inspection report which has been referred by Supreme Court in its order dated 18.07.2023 with the direction to this Tribunal to consider the same.

5. Since proponent has not appeared even today, we are proceedings to decide the matter on merits in the light of order of Supreme Court though the matter was already finally disposed of vide order dated 28.11.2016.

6. **Writ Petition No. 1831/2009 (PIL)** was filed by Lakhan Singh Dhurve (hereinafter referred to as '**applicant**') in High Court of Madhya Pradesh at Jabalpur stating that applicant is Sarpanch of Gram Panchayat, Banka, Janpad Panchayat Karkeli, District Umaria (State of Madhya Pradesh). Respondent 5- M/s Tirupati Balaji Constructions Company (hereinafter referred to as '**Project Proponent**' or '**PP**') had installed a stone crusher unit on the land at khasra no. 371/1, village Banka, though the said land is recorded as grazing land in revenue

records. Respondent 5 i.e. PP in his process of stone crushing used to adopt blasting also which is causing environmental degradation and damage besides health hazards to the villagers whose property is also getting damaged on account of such activities.

7. The applicant had made complaints to authorities but no action was taken.

8. Writ Petition was entertained by High Court and notices were issued on 15.04.2009. Later, vide order dated 16.01.2014 High Court transferred writ petition to this Tribunal. Matter was entertained by Tribunal on 06.03.2014. The documents which were received by Tribunal included replies of respondents which were filed before the High Court.

9. Reply dated 12.06.2009 was filed on behalf of Sub Divisional Officer Amlai, District Shahdol i.e. respondent 4 stating that an application in prescribed form was received in the office of MPPCB on 24.04.2008 for seeking consent under Section 21 of Air (Prevention and Control of Pollution) Act, 1981 (hereinafter referred to as '**Air Act, 1981**') to establish and operate mine at khasra no. 371/1, area 5 acres, at village Banka, Janpad Panchayat Kakreli, District Umaria. On the same date i.e. 22.04.2008 Sub Regional Office Amlai sent application to Regional Office at Rewa. On 06.07.2008, Sub Regional Officer conducted inspection and sent report to Regional office Rewa on 09.07.2008. Regional Officer Rewa on 25.07.2008 issued consent to mine at the above place with certain conditions. Copies of application dated 22.04.2008, inspection report dated 06.07.2008 and letter of consent dated 25.07.2008 are filed as Annexure R-IV/1-3.

10. Further, for the purpose of stone crusher unit, an application in prescribed form was received in the office of respondent 4 on 22.04.2008

seeking consent under Section 21 of Air Act, 1981 for stone crusher no. 375/2, area 2.436 hectare, at Village Banka, Janpad Panchayat Kakreli, District Umaria. On the same date application was forwarded by Sub Regional Office Amlai to Regional Office Rewa. On 19.05.2008 a complaint regarding violation of Air Pollution Norms was received. An inspection was made at the site on 31.05.2009 and certain precautions were suggested by the Inspecting Authority. A letter 22.05.2008 was received on 02.06.2008 at Sub Regional Office wherein certain deficiencies were pointed out by Regional Office to respondent 5. Sub Regional Office was also asked to submit his specific opinion regarding grant of consent for carrying out the said activity. Respondent 5 vide letter dated 24.06.2008 submitted explanation to the deficiencies pointed out by Regional Office. Thereafter another inspection was made on 06.07.2008 and inspection report was forwarded to Regional Office on 09.07.2008 suggesting certain conditions. Since permission/consent was not granted to respondent 5 for long time, Sub Regional Officer conducted fresh inspection on 24.12.2008 and report was forwarded on 08.04.2009 to Regional Office Rewa. Respondent 4 received another letter dated 01.04.2009 whereby District Collector sought inspection report in view of complaint received from the residents of the area. Sub Divisional Officer made an inspection and sent letter to the concerned authorities on 06.05.2009. Ultimately on 14.05.2009 Regional Officer, Rewa issued consent letter to respondent 5 to establish and operate stone crusher. The above documents with respect to stone crusher have been filed as Annexure R-IV-4 to 13.

11. Later, on 01.06.2009, letter was submitted by Sub Regional Officer after inspection stating that respondent 5 has not complied with the conditions of consent in as much as he did not possess any permission to

carry out mining operation through blasting. The consent was given to carry out mining operation manually and therefore there was clear violation of terms and conditions. Similarly, many conditions in respect of operation to stone crusher were not complied with regard to steps for dust containment cum suppression system including water spraying system for the equipment or unit; construction of wind breaking walls of sufficient height; construction of metalled road with in the premises; regular cleaning and wetting of the ground and growing of green belt along periphery and others.

12. Respondents 1 to 4 have filed their reply stating that consent under Air Act, 1981 was obtained by respondent 5 from MPPCB on 14.04.2009 for establishment and operation of stone crusher unit at khasra no. 375/2 area 2.436 hectares Village Banka Tehsil Bandhavgarh District Umariya, State of Madhya Pradesh, stone crusher was established after complying with all the requisite legal formalities; it is the applicant, when he was Sarpanch of Gram Panchayat Banka, who granted permission for installation of the said stone crusher; the complaint of applicant is baseless and has no substance; and after the matter was transferred to Tribunal, respondent 4 submitted inspection report dated 13.08.2014 alongwith his reply of the same date confirming deficiencies found during inspection at the stone crusher with regard to compliance of consent conditions. The observations made in the inspection report are as under:

“मै. तिरुपति विल्डकाम प्रा. लि. ग्राम बांका, तह. बांधवगढ़, जिला उमरिया द्वारा स्थापित स्टोन क्रशर तथा स्टोन माइन का निरीक्षण दिनांक 01.08.2014 को अधोहस्ताक्षरकर्ता द्वारा किया गया। निरीक्षण समय उद्योग प्रतिनिधि श्री शिवकुमार मिश्रा एवं श्री मनीष कुमार सिंधानिया उपस्थित थे। निरीक्षण के समय उद्योग का उत्पादन कार्य अस्थाई रूप बंद था उद्योग प्रतिनिधि द्वारा अवगत कराया गया कि माह जुलाई 2014 से रख रखाव तथा वर्षा के कारण उत्पादन बंद था। उद्योग का विवरण निम्नानुसार है :-

1. स्टोन क्रशर:- उद्योग ने बोर्ड से वायु अधिनियम के अन्तर्गत सम्मति प्राप्त की है। जिसकी वैधता दिनांक 31.03.2016 तक है। उद्योग स्थल आबादी से लगभग 500 मीटर से अधिक दूरी पर है। उद्योग का स्थल पथरीला है। निरीक्षण के समय मेनुअल तरीके से जल छिड़काव की व्यवस्था है। इस हेतु उद्योग ने परिसर में बोर वेल की स्थापना की है। उद्योग परिसर में लगभग 20 नग पेड़ स्थापित है। निरीक्षण के दौरान स्टोन क्रशर में निम्नलिखित कमियां पाई गईं:

1. उद्योग द्वारा मेनुअल तरीके से पाइप के माध्यम से जल का छिड़काव किया जाने की व्यवस्था है। जिसे सुधार कर उपयुक्त डस्ट सप्लेशन सिस्टम की स्थापना करे।
2. उद्योग परिसर में मेटल रोड बनाई गई है परन्तु डामरीकरण नहीं किया गया है।
3. उद्योग ने रोड की ओर विण्ड ब्रेकिंगवाल स्थापित नहीं की गई है।
4. उद्योग ने परिसर में मेनुअल पानी के छिड़काव की व्यवस्था की गई है। इसमें उन्नयन कर स्प्रींकलर सिस्टम की स्थापना करना चाहिये।
5. उद्योग ने परिसर के चारों ओर सघन वृक्षारोपण नहीं किया गया है।
6. उद्योग ने स्कीन को उपयुक्त ढंग से टीन सेड से कवर नहीं किया गया है। वर्तमान में स्कीन को आंशिक रूप से कवर किया गया है इसमें सुधार एवं रख रखाव की आवश्यकता है।

उपरोक्त आधार पर उद्योग को वायु अधिनियम की धारा 31 "क" के अन्तर्गत नोटिस दिया जाना प्रस्तावित है।

खदान: माइन ने बोर्ड से जल / वायु अधिनियम के अन्तर्गत सम्मति प्राप्त की है। जिसकी वैधता दिनांक 31.03.2015 तक है। खदान की लीज वैधता 21.07.2018 तक है। खदान रकवा नं. 371 / 1 कुल रकवा 02 हेक्टेयर, ग्राम बाका, तहसील बांधवगढ़, जिला उमरिया में स्थापित है। निरीक्षण के समय खदान बंद थी तथा खदान में वर्षा रितु का जल संग्रहित था। उद्योग द्वारा भाइनिंग हेतु आवश्यकतानुसार ब्लास्टिंग की जाती है। इस हेतु उद्योग ने कार्यालय कलेक्टर उमरिया से अनुमति प्राप्त की गई है। निरीक्षण के समय खदान के चारों ओर वृक्षारोपण नहीं किया गया है तथा सुरक्षा की दृष्टि से चारों ओर फेन्सिंग नहीं की गई है। खदान में ओवर बर्डन नहीं होने के कारण इसे पृथक से संग्रहित करने की आवश्यकता नहीं है। खदान प्रतिनिधि के अनुसार माइन वाटर का उपयोग जल छिड़काव के लिए किया जाता है। इस हेतु परिवहन मार्ग पर स्प्रींकलर के माध्यम से जल छिड़काव किया जाना उचित होगा। उक्त के प्रकाश में खदान को वायु अधिनियम की धारा 31 "क" के अंतर्गत नोटिस दिया जाना प्रस्तावित है।

"The inspection of Stone Crusher and Stone Mine established by

M/s. Tirupati Buildcom Pvt. Ltd. at village Banka, Teh: Bandhavgarh, Distt. Umaria was done by the undersigned on 01.08.2014. Industry representatives Sh. Shivkumar Mishra and Sh. Manish Kumar Sindhania were present during inspection. The production of the industry was temporary closed at the time of inspection. It was informed by the representative that the production was closed due to maintenance and rain. The details of Industry are as below:

1. *Stone Crusher: Industry has obtained consent from the Board under the Air Act whose validity is till 31.03.2016. The industrial site is more than 500 meters away from the residential area. The place of industry is rocky. Manual water sprinkling system was available at the time of inspection. The industry has established borewell in the premises. 20 trees are installed in the industry complex. The following deficiencies were noticed in the stone crusher during inspection:*
 1. *Manual system of sprinkling water through pipes is available in Industry. Dust suppression system should be installed instead of manual system.*
 2. *Metal road has been made in the industrial premises but asphaltting has not been done.*
 3. *Industry has not installed wind breaking wall on the road side.*
 4. *Manual system of sprinkling water through pipes is available in Industry. This should be upgraded to Sprinkler system.*
 5. *The industry has not done intensive plantation around the campus.*
 6. *The industry has not covered the screen properly with tin shed. At present the screen is partially covered and needs improvement and maintenance.*

It is proposed to issue notice to the industry under Section 31 "A" of the Air Act on the above basis.

Mine: *The consent from the Board under the Water/Air Act has been obtained by Mine whose validity is till 31.03.2015. The lease validity of the mine is up to 21.07.2018. The mine Rakba no. 371/1 Total area 02 hectares is established in village Baka, Tehsil Bandhavgarh, District Umaria. Mine was closed at the time of inspection and rain water was stored in the mine. Blasting is done by the industry on the basis of requirement. They have obtained approval from Collector Office, Umaria for this work. No plantation has been done around the mine at the time of inspection and there is no fencing around for security purpose. There is no need to store it separately due to non-overburdening in the mine. Mine water is used for water sprinkling as per mine representative. It would be appropriate to sprinkle water on this road through sprinklers. In light of the above, it is proposed to give **notice to the mine under Section 31 "A" of the Air Act.**"*

(English Translation by Tribunal)

13. It is pointed out that noticing the deficiencies found in the inspection conducted on 01.08.2014, a notice for closure was issued under Section 31 A of Air Act, 1981 on 02.08.2014 to respondent 5. Consent issued for mining was renewed vide letter dated 18.04.2015 for a

period of two years i.e. 18.04.2013 to 31.03.2015. Another inspection report was submitted by respondent 4 alongwith its reply dated 15.09.2014. The findings recorded in the inspection report are as under:

“निरीक्षण प्रतिवेदन

में तिरूपति विल्डकान प्रा. लि. ग्राम बॉका तह बाँधवगढ़ जिला उमरिया द्वारा स्थापित स्टोन केशर तथा स्टोन माइन का निरीक्षण दिनांक 10.09.2014 अधोहस्ताक्षरकर्ता द्वारा किया गया। निरीक्षण के समय उद्योग प्रतिनिधि श्री मनीष कुमार सिंघानिया उपस्थित थे। माननीय राष्ट्रीय हरित अधिकरण के आदेश दिनांक 14.08.2014 के परिपालन में उद्योग का निरीक्षण किया गया। निरीक्षण के समय उद्योग का उत्पादन कार्य अस्थाई रूप से बंद था। उद्योग प्रतिनिधि द्वारा बतलाया गया कि माह जुलाई 2014 से रखरखाव तथा वर्षा के कारण उत्पादन बंद है। निरीक्षण के समय उद्योग द्वारा सम्मति शर्तों के पालनार्थ कि गई कार्यवाही का विवरण निम्नानुसार है-

स्टोन केशर-

क्र.	प्रमुख सम्मति शर्तें	की गई कार्यवाही
1.	परिसर के चारों ओर ब्रिड ब्रेकिंग दीवार का निर्माण करना	उद्योग परिसर में अभी तक ब्रिड ब्रेकिंग वाल नहीं बनाया गया है। यद्यपि टीन चादर लगाने हेतु पोल स्थापित किया गया है।
2.	छत्रों को कवर करना।	अभी तक कार्यवाही नहीं की गई है।
3.	रॉ मटेरियल/केशर में पानी के छिड़काव व्यवस्था।	अभी तक कार्यवाही पूर्ण नहीं की गई है।
4.	परिसर में वाटर स्पिंकलर की स्थापना।	अभी तक स्थाई व्यवस्था नहीं की गई है। उद्योग में पाईप के माध्यम से पानी की छिड़काव की व्यवस्था है।
5.	परिसर के चारों ओर वृक्षारोपण करना।	पूर्व के लगभग 20 पौधे लगाये गये हैं। नया वृक्षारोपण नहीं किया गया।
6.	मेटल रोड का निर्माण करना।	मेटल रोड व्यवस्थित ढंग से नहीं बनाया गया है।
7.	खतरनाक अपशिष्ट को नियमानुसार निस्सारण करना।	उद्योग द्वारा इस संबंध में जानकारी प्रस्तुत नहीं की गई है।

स्टोन खादान (पत्थर खदान)-

क्र.	प्रमुख सम्मति शर्तें	की गई कार्यवाही
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1.	स्टोन खदान के चारों ओर फेसिंग करना ।	स्टोन खदान के चारों ओर फेसिंग पोल लगाथ गया है। फेसिंग हेतु तार लगाया जाना शेष है।
2.	स्टोन खदान के चारों ओर वृक्षारोपण करना ।	उद्योग द्वारा स्टोन खदान के चारों ओर लगभग 2500 पौधे लगाये गये है।
3.	रोड मे पानी के छिड़काव हेतु वाटर स्पिंकलर की स्थापना करना।	अभी तक स्थाई व्यवस्था नहीं की गई है।
4.	ब्लास्टिंग हेतु आवश्यक अनुमति प्राप्त करना ।	कलेक्टर उमरिया द्वारा पत्र क्रमांक निरंक दिनांक 07.03.2012 के द्वारा ब्लास्टिंग हेतु अनुमति दी गई है जिसकी वैधता 31.03.2015 तक है।

उद्योग को माननीय राष्ट्रीय हरित अधिकरण के आदेशानुसार दिनांक 08.09 2014 से 12.09.2014 तक उत्पादन करना था। परन्तु खदान मे पानी होने तथा वर्षा ऋतु होने के कारण उत्पादन आरंभ नहीं किया जा सका। इस संबंध मे उद्योग द्वारा प्रस्तुत पत्र की प्रति संलग्न है। जिसमे अक्टूबर 2014 तक उत्पादन करने हेतु समय चाहा है। उत्पादन न होने के कारण उद्योग की परिवेशीय वायु गुणवत्ता का मापन नहीं किया गया। उद्योग द्वारा पूर्ण प्रदूषण नियंत्रण व्यवस्था करने के पश्चात पुनः निरीक्षण किया जा सकता है।”

“Inspection Report

“The inspection of Stone Crusher and Stone Quarry established by the M/s. Tirupati Buildcon Pvt. Ltd at Vill: Banka, Teh: Bandhavgarh, Distt. Umaria has been done by the undersigned on 10.09.2014. Sh. Manish Kumar Singhania, Industry Representative was present during the inspection. The inspection of industry was done in compliance of the order dated 14.08.2014 of Hon’ble National Green Tribunal. The production was closed at the time of inspection. It was informed by the industry representative that production is closed since July 2014 due to maintenance and rain. The details of the action taken by the industry at the time of inspection are as follows-

Stone Crusher-

Sr. No.	Key Consent Terms	Compliance
1.	Construction of bridge breaking wall around the campus.	No bid breaking wall has been constructed in the premises of the Industry.

		<i>Although, pole has established for Tin Shed.</i>
2.	<i>Cover the screen of stone crusher.</i>	<i>No action has been taken yet.</i>
3.	<i>Raw material / arrangement of sprinkling water in crusher.</i>	<i>Action has not been completed yet.</i>
4.	<i>Arrangement of water sprinkler in premises.</i>	<i>No permanent arrangement has been made yet. There is a system of sprinkling water through pipes in the industry.</i>
5.	<i>Plantation of trees around the campus.</i>	<i>About 20 saplings of the former have been planted. No new plantation was done.</i>
6.	<i>Construction of metal road.</i>	<i>The metal road is not made systematically.</i>
7.	<i>Dispose of hazardous waste as per rules.</i>	<i>No information has been submitted by the Industry in this regard.</i>

Stone Quarry

Sr. No.	Key Consent Terms	Compliance
1.	<i>Facing around stone quarry</i>	<i>Facing pole has been installed around the stone quarry. Wiring for facing is yet to be done.</i>
2.	<i>Plantation around the stone quarry</i>	<i>Around 2500 saplings have been planted by the industry around the stone quarry.</i>
3.	<i>Installation of water sprinkler for sprinkling water in the road.</i>	<i>No permanent arrangement has been made yet.</i>
4.	<i>Obtain necessary information for blasting</i>	<i>Permission for blasting has been given by Collector Umaria vide letter no. nil dated 07.03.2012, which is</i>

		<i>valid till 31.03.2015.</i>
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The industry had to commence production between 08.09.2014 to 12.09.2014 as per the order of Hon’ble National Green Tribunal but the production could not be commenced due to water logging in quarry and monsoon season. The letter submitted by the Industry is attached in this regard in which time is sought for production upto October 2014. Measurement of ambient air quality of the industry was not done due to non-production. Re-inspection may be done after the arrangements made by the industry to control pollution.”

(English Translation by Tribunal)

14. The matter was considered by Tribunal on 11.03.2015 and it formulated 4 questions on which response of State of Madhya Pradesh was required. The following questions were formulated:

- “(1) Whether land for industrial use can be allotted out of the charagah land?*
- (2) Who is the competent authority for making such allotment, if such allotment is permissible?*
- (3) The extent of land that may be allotted out of the available charagah land within the jurisdiction of the village?*
- (4) What is the total charagah land available for the cattle population of the village / Gram Panchayat. Whether these issues were considered at all by the competent authority while making the allotment and while granting the No Objection Certificate for setting up the crushing unit / mining operation in the present case?*
- (5) As a result of such allotment whether there would be any short fall in the availability of fodder for the local cattle population? What is the extent and number of local cattle population dependent on the available charagah land as also the availability of drinking water for the local cattle?”*

15. Respondents 1 to 3 filed their response dated 21.03.2016 giving points wise replies as under:

In Respect of Point No. 1:

That within the purview of Section 237(1) of the M.P. Land Revenue Code, 1959 the Collector after securing minimum 2% of the total agricultural land, may divert unoccupied land for the development and infrastructural projects

In Respect of Point no. 2:

The competent authority for making such allotment is the Collector and for providing mining rights within the provisions of Rule 6 of the Minor Mineral Rules, 1996 are as under:-

S.No.	Authority	Minerals	Extent of Powers
1.	Director	(i) Minerals specified in serial number 1 to 3 of the Schedule-I	(i) Where the area applied For exceeds 5.00 hectares

		<p>(ii) Minerals specified in serial number 4 & 5(private land) Of Schedule-I</p> <p>(iii) Minerals specified in serial numbers 6 and 7 of Schedule-I</p>	<p>(ii) Where the area applied For exceeds 4.00 hectares</p> <p>(iii) Where the area applied for exceeds 4.00 hectares</p>
2.	Collector/Additional Collector (Senior IAS Scale)	<p>(i) Minerals specified in serial number 1 to 3 of the Schedule-I</p> <p>(ii) Minerals specified in serial number 4 & 5(private land) Of Schedule-I</p> <p>(iii) Minerals specified in serial numbers 6 and 7 of Schedule-I</p>	<p>(i) Where the area applied For exceeds 5.00 hectares</p> <p>(ii) Where the area applied For exceeds 4.00 hectares</p> <p>(iii) Where the area applied exceeds hectares does exceeds for 2.00 and not 4.00 hectares</p>
		<p>(iv) Mineral specified in serial number 2 of Schedule II, ordinary clay and tiles in chimney-kilns/kilns.</p> <p>(v) Minerals specified in serial numbers 5 to 12 of Schedule-II</p>	<p>(iv) Where the area applied for 4.00 exceeds Hectares</p> <p>(v) Where the area applied exceeds for 4.00 Hectares</p>
3.	Officer incharge Mining Section	<p>(i) Minerals specified in serial number 6 and 7 of the Schedule-I</p> <p>(ii) Minerals specified in serial number 2 of Schedule- II, ordinary clay For making bricks and tiles in chimney kilns/kilns.</p> <p>(iii) Minerals specified in serial numbers 5 to 12 of Schedule-II</p>	<p>(i) Where the area applied for does not Exceeds 2.00 hectare</p> <p>(ii) Where the area applied for does not exceeds 4.00 hectares</p> <p>(iii) Where the area applied for does not exceeds 4.00 hectares</p>

IN RESPECT OF POINT NO. 3:-

The Sub-section 3 of Section 237 of M.P. Land Revenue Code 1959 provides that minimum 2% of the agricultural land of the total agricultural land of the particular village has to be secured for fulfilling the Nistar rights and for the purposes mentioned in Sub-Section (1) of Section 237 of M.P. Land Revenue Code 1959

IN RESPECT OF POINT NO. 4:-

It is most humbly submitted that in village Banka total 104.16 Acres (42.170 Hectares) Charagah land is available in the said village, these issues were considered while granting the quarry permit in the favour of the project proponent in village Banka the total agricultural land is 441.213 Hectares the 2% agricultural land comes to 8.824 Hectares after securing the minimum 2% agricultural land for allotment for other permissible activities the total agricultural land of 33.346 Hectares is available, therefrom the two hectare land for excavation of stone is sanctioned in the favour of the project proponent. It is further clarified that the permission for setting up the crushing unit is not provided by the State Government the MPPCB is the competent authority for providing the valid consent for setting up crushing units in the State.

The project proponent M/s Tirupati Buildcon Pvt Limited Budhar, District Shehdol is having its private ownership land bearing Khasra no. 375/01 Area 0.809 Hectare, 375/02 Area 2.436 Hectares and Khasra no. 379 Area 0.462 Hectares upon the same land the project proponent has set up the stone crushing unit which is the private ownership land of the project proponent. The copies of Khasras are cumulatively marked and filed herewith as ANNEXURE-RW/ 1

In Respect of Point No. 5:-

The total cattle population in village Banka is 1153, there is no shortfall in the availability of fodder for the cattles of village Banka, in village Banka there are four water tanks which are available for the local cattle for drinking purposes and further there is one river Dhauli is also there in the village which is having sufficient water throughout the year. The titamma Milan Khasra depicting the population of cattles is marked and filed herewith as ANNEXURE-RW/2

The Sub-divisional Officer (R) Bandhavgarh Umariya and the Tehsildar Tehsil Chandia made physical spot inspection of the village Banka. The Tehsildar report is marked and filed herewith as ANNEXURE-RW/3

2. An affidavit in support is filed herewith”

16. Respondent 4 has also filed a further inspection report after making inspection on 07.10.2014, recording its findings as under:

मै. तिरूपति बिल्डकान प्रा. लि. ग्राम बांका तह. बाँधवगढ जिला उमरिया द्वारा स्थापित स्टोन केशर तथा स्टोन माइन्स का निरीक्षण माननीय राष्ट्रीय हरित अधिकरण के आदेश दिनांक 18.09.2014 के परिपालन मे दिनांक 07.10.2014 अधोहस्ताक्षरकर्ता द्वारा किया गया। निरीक्षण के समय उद्योग प्रतिनिधि श्री शिव कुमार मिश्रा उपस्थित थे। निरीक्षण के समय उद्योग का उत्पादन कार्य बंद था। उद्योग प्रतिनिधि द्वारा अवगत कराया गया कि विगत 03 माह से खदान मे पानी होने के कारण पत्थर उत्खनन न होने एवं रखरखाव के कारण स्टोन केशर बंद है। निरीक्षण के समय खदान मे वर्षा का पानी भरा हुआ था। निरीक्षण के समय उद्योग द्वारा सम्मति शर्तों के पालनार्थ की गई कार्यवाही का विवरण निम्नानुसार है-

स्टोन केशर

क्र.	प्रमुख सम्मति शर्तें	की गई कार्यवाही
1.	परिसर के चारों ओर ब्रिड ब्रेकिंग दीवार का निर्माण करना ।	उद्योग द्वारा स्टोन केशर परिसर में ब्रिड ब्रेकिंग वाल का निर्माण कर टीन चादर से कवर्ड कर लिया गया है। फोटो ग्रॉफ संलग्न है।
2.	स्टोन केशर के छत्रे को कवर करना	उद्योग द्वारा स्टोन केशर के छत्रे को टीन की चादर से कवर्ड कर लिया गया। फोटो

		ग्रॉफ संलग्न है।
3.	रॉ मटेरियल / केशर में पानी के छिड़काव की व्यवस्था।	उद्योग द्वारा हापर के पास स्टोन बोल्टर को फेसिंग के पूर्व गीला करने के लिए पानी सावर लगाया गया है। फोटो ग्रॉफ संलग्न है।
4.	परिसर में वाटर स्प्रिंकलर की व्यवस्था।	उद्योग द्वारा परिसर के भीतर 06 नग वाटर स्प्रिंकलर्स स्थापित किया गया है। फोटो ग्रॉफ संलग्न है।
5.	परिसर के चारों ओर वृक्षारोपण करना।	उद्योग द्वारा पूर्व में लगभग 25 वृक्ष परिसर के चारों ओर वृक्षारोपण किया गया था। स्टोन परिसर के चारों ओर लगभग 1600 वृक्ष इस मानसून में लगाये गये हैं। फोटो ग्रॉफ संलग्न है।
6.	मेटल रोड का निर्माण करना।	उद्योग द्वारा स्टोनकेशर परिसर में मेटल रोड का निर्माण कर लिया गया है। फोटो ग्रॉफ संलग्न है।
7.	खतरनाक अपशिष्ट को नियमानुसार निस्सारण करना।	उद्योग द्वारा इस संबंध में आवश्यक जानकारी प्रस्तुत कर दी गई है जिसके अनुसार में, भास्कर 1 लुब्रीकेन्ट जबलपुर को 01 ड्रम स्प्रेट आयल 220 ली. बेचा गया है। पत्र की प्रति संलग्न है।

स्टोन खदान (पत्थर खदान)-

क्र.	प्रमुख सम्मति शर्तें	की गई कार्यवाही
1.	स्टोन खदान के चारों ओर फेसिंग करना।	स्टोन खदान के चारों ओर फेसिंग वायर लगाया गया है। फोटो ग्रॉफ संलग्न है।
2.	स्टोन खदान के चारों ओर वृक्षारोपण करना।	उद्योग द्वारा स्टोन खदान एवं केशर के चारों ओर फेसिंग वायर के अन्दर लगभग कुल 2500 पौधे इस मानसून में लगाये गये हैं। फोटो ग्रॉफ संलग्न है।
3.	रोड में पानी छिड़काव हेतु वाटर स्प्रिंकलर की स्थापना करना।	रोड में मोबाइल टैंकर के द्वारा पानी का छिड़काव किया जाता है। फोटो ग्रॉफ संलग्न है।
4.	ब्लास्टिंग हेतु आवश्यक अनुमति प्राप्त करना।	कलेक्टर उमरिया द्वारा पत्र क्रमांक निरंक दिनांक 07.03.2012 के द्वारा ब्लास्टिंग हेतु अनुमति दी गई है जिसकी वैधता 31.03.2015 तक है।

निरीक्षण के दौरान उद्योग कार्यरत न होने के कारण उद्योग की परिवेशीय वायु गुणवत्ता मानिट्रिंग नहीं की गई उद्योग द्वारा वायु प्रदूषण नियंत्रण तथा सम्मति शर्तों के पालनार्थ की गई कार्यवाही संतोषप्रद है।”

“The inspection of Stone Crusher and Stone Quarry established by the M/s. Tirupati Buildcon Pvt. Ltd at Vill: Banka, The: Bandhavgarh, Distt. Umaria has been done by the undersigned in compliance to the National Green Tribunal order dated 18.09.2014. Sh. Shiv Kumar Mishra, representative of industry was present during inspection. The production was closed at the time of inspection. It was informed by the industry representative that due to water logging in the quarry for the last 03 months, the stone crusher is closed due to non-excavation and maintenance. At the time of inspection, the quarry was filled with rain water. The details of the action taken by the industry at the time of inspection are as follows-

Stone Crusher-

Sr. No.	Key Consent Terms	Compliance
1.	Construction of bridge breaking wall around the campus.	Bridge breaking wall has been constructed by the industry in the stone crusher premises and covered with tin shed. Photographs attached.
2.	Cover the screen of stone crusher.	The screen of the stone crusher was covered with a sheet of tin by the industry. Photographs attached.
3.	Raw material / arrangement of sprinkling water in crusher.	A water sprinkler has been installed by the industry near the hopper to wet the stone boulders before casing. Photographs attached.
4.	Arrangement of water sprinkler in premises.	06 water sprinklers have been installed within the premises by the industry. Photographs attached.
5.	Plantation of trees around the campus.	The industry had earlier planted about 25 trees around the campus. About 1600 trees have been planted around the stone campus the monsoon. Photographs attached.

6.	Construction of metal road.	Metal road has been constructed by the industry in the stone crusher premises. Photographs attached.
7.	Dispose of hazardous waste as per rules.	Necessary information has been submitted by the industry in this regard, 1 drum spent oil 220 liters have been sold to Bhaskar 1 Lubricant Jabalpur. Copy of the letter is attached.

Stone Quarry -

Sr. No.	Key Consent Terms	Compliance
1.	Facing around stone quarry	Facing wire has been installed around the stone quarry. Photographs attached.
2.	Plantation around the stone quarry	A total of 2500 plants have been planted by the industry in the monsoon inside the facing wire around the stone quarry and crusher. Photographs attached.
3.	Installation of water sprinkler for sprinkling water in the road.	Water is sprinkled on the road through mobile tankers. Photographs attached.
4.	Obtain necessary information for blasting	Permission for blasting has been given by Collector Umaria vide letter no. nil dated 07.03.2012, which is valid till 31.03.2015.

Ambient air quality monitoring of the industry was not done due to non-functioning of the industry during inspection. The action taken by the industry to control air pollution along with consent terms is satisfactory.”

(English Translation by Tribunal)

17. A detailed report was filed by respondent 4 alongwith its reply dated 13.02.2015 and the observations made in the report are as under:

“सामान्य विवरण

2.1 मे. तिरूपति बिल्डकाम प्रा. लि. ग्राम-यांका, तहसील-चंदिया, जिला उमरिया को कार्यालय कलेक्टर खनिज जिला उमरिया द्वारा खसरा क्रमांक 371/1 पर गौण खनिज (पत्थर) के उत्खनन हेतु दिनांक 17/06/2008 को अनुमति दी गयी थी। उक्त अनुमति गौण खनिज पत्थर (क्रशर से गिट्टी विनिर्माण) हेतु 10 वर्ष की अवधि हेतु दी गयी थी (संलग्नक-1)। म. प्र. प्रदूषण नियंत्रण बोर्ड द्वारा खनिज पट्टे तथा कार्यालय ग्राम पंचायत- बांका, जनपद पंचायत- ककरेली द्वारा दिए गये अनापत्ति प्रमाणपत्र दिनांक 05/10/2007 (संलग्नक-2) के आधार पर जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम 1974 एवं वायु (प्रदूषण निवारण तथा नियंत्रण) अधिनियम 1981 के अंतर्गत दिनांक 25/07/2008 को मानवीय श्रम से (मैनुअली) पत्थर उत्खनन 12,000 घनमीटर प्रतिवर्ष हेतु सम्मति दी गयी थी। उक्त खदान का क्षेत्रफल 5 एकड़ है। कार्यालय कलेक्टर जिला उमरिया द्वारा उक्त खदान को दिनांक 07/03/2012 को ब्लास्टिंग/विस्फोटक के माध्यम से पत्थर उत्खनन की अनुमति दी गयी थी (संलग्नक-3) एवं म. प्र. प्रदूषण नियंत्रण बोर्ड द्वारा दिनांक 03/04/2012 को उद्योग को पत्थर उत्खनन की नवीन सम्मति दी गयी तथा उत्पादन क्षमता 2,00,000 घनमीटर प्रतिवर्ष निर्धारित की गयी। वर्तमान में उक्त सम्मति दिनांक 31/03/2015 तक प्रभावशील है। खनिज विभाग उमरिया द्वारा प्रस्तुत जानकारी के अनुसार उत्खनन की क्षमता सम्मति क्षमता से कम है। (संलग्नक-04)

2.2 मेसर्स तिरूपति बिल्डकाम प्रा. लि. द्वारा खनन स्थल से लगभग 300 मीटर की दूरी पर खसरा क्रमांक 27512 रकबा 2.436 एकड़ पर उत्खनित पत्थर से गिट्टी निर्माण हेतु क्रशर की स्थापना की गयी जिसके लिए म. प्र. प्रदूषण नियंत्रण बोर्ड द्वारा 9,000 घनमीटर प्रतिवर्ष स्टोन चिप्स उत्पादन हेतु दिनांक 14/05/2009 को वायु अधिनियम के अंतर्गत सम्मति दी गयी। वर्तमान में यह सम्मति दिनांक 31/03/2016 तक प्रभावशील है तथा उद्योग द्वारा प्रस्तुत जानकारी के अनुसार स्टोन क्रशर की उत्पादन क्षमता सम्मति क्षमता के अनुरूप है।

2.3 खदान एवं क्रशर का स्थल ग्राम-बांका, ग्राम पंचायत बांका तहसील चंदिया जिला- उमरिया में बांका सलैया प्रधानमंत्री ग्रामीण सड़क मार्ग पर बांका से लगभग 2 कि.मी. दूरी पर स्थित है। इस मार्ग पर बायीं ओर सर्वप्रथम अनावेदक की खदान (खसरा क्रमांक 371/1) एवं तत्पश्चात् 300 मीटर आगे दायीं ओर क्रशर इकाई (खसरा क्रमांक 375/2) स्थित है। है। खदान एवं क्रशर के चारों ओर 1.00 किलोमीटर तक कोई आबादी नहीं पायी गयी तथा आसपास की भूमि पथरीली एवं पडत पायी गयी। निकटस्थ ग्राम-मझोली लगभग 1.2 कि.मी. दूर उत्तर पूर्व में ग्राम ददरा बाघादेव लगभग 1.4 दक्षिण पश्चिम में तथा ग्राम-बांका लगभग 1.5-2.0 कि.मी. दूर पश्चिम में स्थित है। खदान क्षेत्र में ओवर बर्डन की मात्रा औसतन 0.5-1.0 मीटर है तथा वर्तमान में खदान का कार्य लगभग 10 मीटर गहराई तक नीचे पहुंच चुका है। खदान एवं क्रशर की विभिन्न ग्रामों के परिप्रेक्ष्य में स्थिति दर्शाने वाला गूगल मैप संलग्नक-5 है। खदान के चारों ओर वृक्षारोपण भी कराया गया है हालांकि रोपित पौधों को वृक्ष बनने में 4 से 5 वर्ष लग सकते हैं। खदान को कटीले तारों की फेंसिंग से सुरक्षित बनाया गया है। खदान के पूर्व की ओर ग्राम-मझोली जाने वाला कच्चा मार्ग भी स्थित है।

2.4 इसी बांका - सलैया प्रधानमंत्री ग्रामीण सड़क मार्ग पर पर आगे की ओर उद्योग का क्रशर स्थापित है। इस परिसर का क्षेत्रफल 2.486 हेक्टेयर है जहां स्टोन क्रशर है। के अलावा एक हाट मिक्स प्लांट तथा एक सीमेंट पाईप निर्माण इकाई भी स्थापित / है। उद्योग का क्रशर 60 टन प्रतिघंटा पत्थर तोड़ने की क्षमता का है जिसमें प्रायमरी क्रशर, दो सेकण्डरी क्रशर (एक रिटर्न लाईन का) एवं विभिन्न साईज के गिट्टी के पृथक-पृथक संग्रहण हेतु 05 कन्वेयर बेल्ट है। उद्योग द्वारा आवागमन मार्गों पर जल छिड़काव हेतु स्पिंकलर्स की व्यवस्था की गयी है, वायब्रेटरी स्कीन को टीन की चादरों से ढंका गया है, अपनी पूर्वी सीमा पर टीन की चादरों की विण्ड

ब्रेकिंग वाल बनायी गयी है तथा प्रायमरी क्रशर में जल छिड़काव की व्यवस्था की गयी है । निरीक्षण दिवस उक्त प्रणाली कार्यरत पायी गयी तथा धूल के नियंत्रण के फलस्वरूप मशीनों के आसपास धूल की स्थिति नहीं पायी गयी । निरीक्षण दिवस उद्योग का हाट मिक्स प्लांट कियाशील नहीं पाया गया जिसके संबंध में बताया गया कि हाट मिक्स प्लांट का संचालन सड़क निर्माण के आर्डर प्राप्त होने की स्थिति में ही किया जाता है एवं वर्तमान में यह काफी लंबे समय से बंद है । क्रशर के चारों ओर वृक्षारोपण भी कराया गया है हालांकि रोपित पौधों को वृक्ष बनने में 4 से 5 वर्ष लग सकते हैं। पर्याप्त खदान एवं क्रशर के सापेक्ष स्थिति दर्शाने वाले छायाचित्र संलग्नक-6 अनुसार है ।

3. खदान एवं क्रशर के पर्यावरणीय दुष्प्रभाव:

3.1 उक्त खदान एवं क्रशर आबादी एवं रिहाईश से पर्याप्त दूरी पर स्थित है। इनके आसपास स्थित क्षेत्र पठारी एवं पथरीला है तथा क्षेत्र में सिंचाई के साधन ना होने के कारण उन्नत कृषि होती नहीं पायी गयी । हालांकि निकटस्थ ग्रामों के निवासी उपलब्ध भूमि पर स्वउपयोग हेतु कृषि करते पाये गये जैसा कि छायाचित्रों से स्पष्ट है ।

3.2 खदान के संचालन में अनियंत्रित ब्लास्टिंग के कारण कंपन तथा परिवहन के कारण धूल उत्पन्न होने की समस्या होती है । विद्यमान खदान में अधिक ओवर बर्डन ना होने से इसके निपटान की समस्या परिलक्षित नहीं हुई तथा यह पाया गया कि ओवर बर्डन को खदान परिसीमा पर ही एकत्रित कर रखा गया है। परिवहन मार्ग पर जल छिड़काव कर धूल शमन की व्यवस्था देखी गयी । खदान खनन कार्य में लायसेंस प्राप्त विस्फोट कर्मियों की सहायता से विस्फोटकों का उपयोग कर पत्थरों को तोड़ा जाता है एवं तत्पश्चात् जेसीबी मशीन की सहायता से निकालकर क्रशर इकाई में ट्रकों के माध्यम से पहुंचाया जाता है । विस्फोटन सप्ताह में एक से दो बार आवश्यकतानुसार किया जाता है । खदान से कोई भी जलीय निस्स्राव नहीं किया जाता है एवं खदान में एकत्रित वर्षा जल का उपयोग धूल शमन हेतु किया जाना पाया गया । खदान का क्षेत्रफल छोटा (5 एकड़) है। वर्ष 2012 तक खनन कार्यों का संचालन मैनुअली किया जाता था एवं वर्ष 2012 के पश्चात् ही विस्फोटकों के उपयोग की अनुमति प्राप्त हुई। खदान से खनिज निकाले जाने के फलस्वरूप जो गड्ढा निर्मित हो गया है वह खुली खदान की एक सामान्य प्रक्रिया है तथा खदान बंद होने के पश्चात् संभवतः यह एक जल संग्रहण स्रोत में परिवर्तित किया जा सकता है जो क्षेत्र के भूजल संवर्धन में सहायक सिद्ध हो सकता है । अतः खदान के संचालन से पर्यावरण के घटकों पर कोई गंभीर विपरीत प्रभाव पडा हो, ऐसा अनुमानित नहीं है ।

3.3 स्टोन क्रशर एक वायु प्रदूषणकारी उपक्रम है तथा इसके संचालन से आसपास के क्षेत्र में वायु प्रदूषण की स्थिति निर्मित होती है। बिना पर्याप्त प्रदूषण नियंत्रण व्यवस्थाओं के स्टोन क्रशर के संचालन से फ्यूजीटीव इमीशन होते हैं तथा उसका मुख्य कारण पत्थर का भिन्न-भिन्न आकारों में तोड़ा जाना, परिवहन, स्क्रीनिंग इत्यादि है । भारी धूल सामान्यतः परिसर में बैठ जाती है परंतु हल्की धूल सामान्यतः हवा के साथ बहकर दूर तक फैलती है। इसके अतिरिक्त क्रशर के उपकरणों से ध्वनि भी उत्पन्न होती है । क्रशर परिसर में बैठ जाने वाली धूल भी वाहनों के आवागमन के कारण पुनः उड़ती है एवं वायु प्रदूषण के सेकण्डरी स्रोत के रूप में पायी जाती है । धूल के उत्सर्जन के कारण, सामग्री का क्षरण, मानव स्वास्थ्य - श्वसनतंत्र, आंखों इत्यादि पर विपरीत प्रभाव पडता है तथा धूल की अधिकता वनस्पति, वृक्ष आदि की पत्तियों पर जमकर प्रकाश संश्लेषण प्रक्रिया को प्रभावित कर सकती है ।

3.4 अनावेदक के क्रशर एवं खदान संचालन से पर्यावरण के विभिन्न घटकों पर पड सकने वाले विपरीत प्रभाव का आकलन निम्नानुसार किया जा सकता है:-

3.4.1 जलीय पर्यावरण: अनावेदक की खदान एवं क्रशर संचालन की प्रक्रिया से किसी प्रकार का औद्योगिक दूषित जल उत्पन्न नहीं होता है। खदान से वर्षा ऋतु के एकत्रित जल को पंप के माध्यम से निकाला जाता है तथा मोबाईल टैंकर के माध्यम से सड़कों पर धूल शमन हेतु उपयोग किया जाता है। खनन की अवधि समाप्त होने के पश्चात् इसका वर्षा जल संग्रहण हेतु उपयोग किया जाना क्षेत्र के पर्यावरण हेतु उपयोग किया जाना हितकर होगा।

3.4.2 वायु पर्यावरण बोर्ड द्वारा विगत वर्षों में की गई परिवेशीय वायु गुणवत्ता निम्नानुसार पाई गई:-

क्र.	दिनांक	मॉनिटरिंग स्टेशन का विवरण	मानक (माइको ग्रा./ घन मी.)	परिणाम (माइको ग्रा./ घन मी.)
1.	04.05.2009	क्रशर से लगभग 100 मी. की दूरी पर गेट के पास	500	427.57
2.	21.02.2012	क्रशर से 10 मी. की दूरी पर	600	570.23
3.	07.11.2014	क्रशर से 10 मी. की दूरी पर	600	319.23 एवं 482.12

समय-समय पर बोर्ड द्वारा अनावेदक क्रशर की परिवेशीय वायु गुणवत्ता का मापन बोर्ड द्वारा निर्धारित मानकों के अंतर्गत पाया गया (संलग्नक-7)। उद्योग के आसपास की भूमि उपजाऊ नहीं है हांलाकि स्थानीय निवासीयों द्वारा जीवकोपार्जन हेतु कृषि की जाती है। कृषि पर क्रशर जनित कोई दुष्प्रभाव पड़ा हो, इसकी संभावना अधिक नहीं जान पड़ती है। निरीक्षण दौरान भी फसल में प्रथम दृष्टया विपरीत प्रभाव अथवा धूल जमी नहीं पायी गयी। सरपंच ग्रामपंचायत बांका द्वारा अपने पत्र दिनांक 10/11/2014 द्वारा (संलग्नक-8) स्पष्ट किया गया है कि फसलों को कोई नुकसान नहीं है। खनिज विभाग उमरिया द्वारा भी अपने पत्र दिनांक 05/12/2014 द्वारा (संलग्नक-9) उक्त आशय की पुष्टि की गयी है जिसमें वन भूमि एवं कृषि भूमि पर किसी प्रकार के दुष्प्रभाव से इंकार किया गया है। हांलाकि निरीक्षण दल द्वारा पाया गया कि खदान में कार्यरत आपरेटर्स एवं श्रमिकों को जो मशीनों के अत्यन्त समीप कार्य करते हैं, उन्हें अनावेदक द्वारा व्यक्तिगत सुरक्षा उपकरण (पर्सनल प्रोटेक्टिव इक्विपमेंट्स) उपलब्ध नहीं कराये हैं। अतः लंबे समय तक कार्यरत रहने वाले ऐसे कर्मचारियों के स्वास्थ्य पर विपरीत प्रभाव की संभावना से इंकार नहीं किया जा सकता है।

3.4.3 सामाजिक आर्थिक पर्यावरण:

3.4.3.1 ग्रामीण क्षेत्र की आर्थिक उन्नति तथा सामाजिक स्तर का आंकलन उस क्षेत्र की कृषि की गुणवत्ता पर आधारित होता है। अनावेदक के क्रशर एवं खदान क्षेत्र के आसपास के ग्रामों में कृषि योग्य उत्तम भूमि की उपलब्धता नहीं है तथा कृषि की स्थिति उत्तम नहीं प्रतीत होती है। क्षेत्र में उद्योग धंधों का अभाव तथा ग्रामीणों के पास पशुपालन अथवा एक फसलीय कृषि ही जीविकोपार्जन का साधन है। क्रशर एवं खदान के संचालन से क्षेत्र में 15-20 लोगों को सीधा रोजगार प्राप्त होता है जो कि अनावेदक उद्योग का एक धनात्मक प्रभाव माना जा सकता है। साथ ही साथ आवश्यक व्यक्तिगत सुरक्षा उपकरणों के अभाव में कार्य किए जाने से इनके स्वास्थ्य पर पड़ने वाला विपरीत प्रभाव एक नकारात्मक कारक है जिसका मान मिलने वाले रोजगार की तुलना में अधिक है। अतः इस दिशा में अनावेदक को आवश्यक कार्यवाही करनी चाहिए।

3.4.3.2 क्षेत्र के खनिजों का दोहन कर धनोपार्जन एवं लाभ प्राप्त करने के फलस्वरूप किसी भी उद्योग का यह दायित्व बनता है कि वह उस क्षेत्र के विकास में अपनी भागीदारी सुनिश्चित करे। हांलाकि सरपंच ग्राम पंचायत बांका द्वारा अपने पत्र प्राप्ति दिनांक 10.11.2014 (संलग्नक-10) द्वारा बताया है कि अनावेदक द्वारा क्षेत्र के धार्मिक, सामाजिक कार्यों में सहयोग दिया जाता है तथा कास्तकारों को अपने बोरवेल से सिंचाई के लिए जल आदि उपलब्ध कराया जाता है। उक्त क्षेत्र पूर्णतः अविकसित है तथा आदिवासी बहुल है। अनावेदक

के निकटस्थ स्थित ग्राम मझोली, बांका, ददरा बांधादेव इत्यादि में - स्थित प्राथमिक स्कूलों में शौचालयों की व्यवस्था नहीं है। स्कूलों में पढने वाले छात्रों को पेयजल की भी कोई सुविधा नहीं है। ग्रामीण क्षेत्रों के भूमिगत पेयजल स्रोत सूख जाते हैं अथवा हैण्डपंप कार्यरत नहीं रहते हैं। इस प्रकार के छोटे-छोटे कार्यों में भागीदारी कर भी अनावेदक क्षेत्र के आर्थिक, सामाजिक पर्यावरण में अपना योगदान दे सकता है। अतः सामाजिक आर्थिक पर्यावरण के सुधार हेतु अनावेदक खदान एवं क्रशर को ओर अधिक योगदान दिया जाना चाहिए।

3.4.4 खतरनाक अपशिष्ट का निपटान:

क्रशर उद्योग की प्रक्रिया से खतरनाक अपशिष्ट उत्पन्न नहीं होती है क्रशर संचालन हेतु जनरेटर से उत्पन्न वेस्ट आयल को बोर्ड द्वारा अधिकृत रिसायकलर मेसर्स भास्कर लुब्रीकेन्ट प्रा.लि. जबलपुर के माध्यम से निष्पादित किया जाता है उद्योग द्वारा स्पेन्ट आयल अधिकृत रिसाइकल को बेचने संबंधी मेनीफेस्ट की प्रति संलग्न है (संलग्नक - 11)। अतः सामान्यतः उद्योग के खतरनाक अपशिष्टों से अन्य कोई पर्यावरणीय क्षति आकलित नहीं है।

4. उपसंहार

4.1 अनावेदक खदान एवं क्रशर की भौगोलिक स्थिति आबादी एवं ग्रामों से दूर है तथा आसपास कृषि भी नहीं है। जल प्रदूषण संभावित नहीं है तथा नियंत्रित वायु प्रदूषण के फलस्वरूप पर्यावरणीय घटकों पर विपरीत प्रभाव का आंकलन नहीं किया जा सकता है। कार्यरत श्रमिकों का नियमित स्वास्थ्य परीक्षण ना होने तथा उन्हें व्यक्तिगत सुरक्षा उपकरण प्रदान ना करने के फलस्वरूप उनके स्वास्थ्य पर वर्तमान स्थिति में भी विपरीत प्रभाव पडने की संभावना से इंकार नहीं किया जा सकता है। वायु प्रदूषण नियंत्रण हेतु की गयी व्यवस्थाएं उपयुक्त हैं परंतु सुधार की सदैव संभावना बनी रहती है। अतः उद्योग को विशेष रूप से क्रशर के अन्य उपकरणों यथा कन्वेयर बेल्ट्स, वाइब्रेटिंग स्कीन एवं मिट्टी व अन्य उत्पादों के एकत्रित चट्ट (stock piles) पर भी जल छिडकाव की व्यवस्था करनी चाहिए ताकि ग्रीष्मकाल में विशेष रूप से चलने वाली तेज हवा के कारण धूल का फैलाव ना हो।

4.2 अनावेदक उद्योग जिस क्षेत्र में स्थित है वह आदिवासी बहुल तथा अविकसित निर्धन क्षेत्र है अनावेदक उद्योग के क्रशर एवं खदान से ग्रामीणों को रोजगार प्राप्त हो रहा है परंतु आसपास के ग्रामों में मूलभूत सुविधाओं का भी अभाव है। पेयजल, स्कूलों में शौचालयों आदि की स्थिति दयनीय है। अतः सामाजिक आर्थिक पर्यावरण के उत्थान हेतु अनावेदक उद्योग को इस दिशा में प्रयास करना उचित होगा।

4.3 अतिरिक्त सुधार के दृष्टिकोण से अनावेदक को परिसर में संग्रहित किए गये डीजल, इत्यादि के खाली इमों की संग्रहण व्यवस्था में सुधार किया जाना अपेक्षित है अथवा अधिकृत रिसाइक्लर्स के माध्यम से इन्हें विक्रित किया जा सकता है।”

“General Details

2.1 Permission for mining of accessory minerals (stone) on khasra no. 371/1 was granted to M/s. Tirupati Buildcom Pvt. Ltd, Vill Yanka, The: Chandiya, Distt. Umaria by Office of the Collector Minerals, Distt. Umaria on 17.06.2008. The above permission (reconstruction of road stone through crusher) was granted for 10 years (**Annexure-1**). The permission for mining stones of 12000 cubic meters per year through manual labour under Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 was granted on 25.07.2008 on the basis of Mining Lease given by Madhya Pradesh Pollution Control Board and No Objection Certificate dated 05.10.2007 (**Annexure-2**) given by office of the Gram Panchayat vill: Banka, Janpad Panchayat – Kakreli. The area of above said mine is 5 acres. The permission for mining of stones through blasting / explosive was granted by office

of Collector, Distt. Umariya on 07.03.2012 (**Annexure-3**) and the new permission was granted by Madhya Pradesh Pollution Control Board on 03.04.2012 whose production capacity was fixed at 2,00,000 cubic meters per year. The above permission is valid upto 31.03.2015. The mining capacity is less than the agreed capacity according to the information furnished by Minerals Department, Umariya (**Annexure-4**).

2.2 A crusher was established for the manufacture of road stone on Rakba no. 2.436 acres, Khasra no. 27512 about 300 meters away from the mining site for which permission for the production of 9000 cubic meters stone chips per year was taken on 14.05.2009 from the Madhya Pradesh Pollution Control Board under the Air Act. This permission is effective till 31/03/2016 and the production capacity of stone crushers is in line with the consent capacity as per information presented by the industry.

2.3 The place of mining and crusher is situated at the distance of 2 kms at Banka Salaiya Pradhanmantri Gram Sadak Marg in vill: Banka, Gram Panchayat: Banka, Teh: Chandiya, Distt. Umariya. Stone Quarry (Khasra no. 371/1) of non applicant is situated on the left side and crusher unit (Khasra no. 375/2) is situated on the right side above 300 meters. No population was found up to 1.00 km around the mine and crusher and the nearby land was stony and fallow. Vill: Majholi is situated in north east around 1.2 km, Vill: Baghadev in south west and Vill: Banka is situated in west around 1.5-2.0 km. The amount of overburden in the mine area is an average 0.5-1.0 metres and at present the digging work of mine has reached down to a depth of about 10 m. Google map showing the location of the mine and crusher in perspective of various villages is **Annexure-5**. Plantation has also been done around the mine although it may take 4 to 5 years for the planted saplings to become trees. Barbed wire is placed around the mine for the purpose of security. The unpaved road leading to village-Majholi is also situated on the east side of the mine.

2.4 The crusher of the industry is established further on this Banka-Salaiya Pradhan Mantri Gramin road. The area of the campus is 2.486 hectare where one hot mix plant and one unit of cement manufacturing unit is situated along with stone crusher. The capacity of crushing stone is of 60 ton per hour stone in which primary crusher, two secondary crushers one with return line) and 05 conveyor belts for separate collection of ballast of different sizes. Sprinklers have been arranged for water sprinkling on the roads by the industry, vibratory screen has been covered with tin sheets, wind breaking wall of tin sheets has been made on its eastern boundary and water sprinkling has been arranged in the primary crusher. On the day of inspection, the said system was found to be functional and as a result of dust control, no dust was found around the machines. The above system was functional and the dust was not found nearby machines on the day of inspection. The hot mix plant of the industry was not functional on the day of inspection, in connection with it was told that the operation of the hot mix plant is done only after receiving orders for road construction and it is closed for a long time. Plantation has also been done around the crusher though it may take 4 to 5 years for the planted saplings to become trees. The photographs showing relative position of adequate quarry

and crusher are as per **Annexure-6**.

3. Environmental side effects of quarry and crusher:

3.1 The above said stone quarry and crusher is situated at sufficient distance from residential area. The nearby area is hilly & rocky. Modern agriculture could not be done due to non availability of irrigation equipments. However, the residents of nearby villages were found doing agriculture for their own use on the available land as is evident from the photographs.

3.2 There is a problem of vibration due to uncontrolled blasting and dust due to transportation during the operations of mine. Due to absence of excessive overburden in the mine, the problem of its disposal was not reflected and it was found that the overburden has been collected at the mine boundary itself. Dust suppression was observed by sprinkling water on the transport route. In quarry mining work, stones are broken using explosives with the help of licensed blasting professional. Stones are taken out with the help of JCB machine and transported through trucks to the crusher unit. Blasting is done once or twice a week as per requirement. There is no water discharge from the mine and rain water collected in the mine is used for dust suppression. The area of the mine is small (5 acres). Mining operations were done manually till 2012 and after that permission was obtained to use explosives. The pit has been formed as a result of the extraction of minerals from the mine is a normal process which can be converted into a water storage source after the closure of mine which can be helpful in the groundwater enrichment of the area. Therefore, no any adverse impact has been seen on the environment due to the operations of mine.

3.3 Stone crusher is an air polluting enterprise and its operation creates air pollution in the surrounding area. The operation of stone crushers without adequate pollution control systems leads to fugitive emissions and breaking of stone into different sizes, transportation, screening etc are the main reasons. Heavier dust generally settles in the premises but lighter dust is generally carried by the wind and spread over long distances. Noise is also generated from the equipment of the crusher. The dust of the crusher premises also gets blown again due to the movement of vehicles and is found as a secondary source of air pollution. Due to dust emission, material degradation, human health-respiratory system, eyes etc. are adversely affected and the process of Photo synthesis may be affected from excessive dust on the leaves of vegetation, trees etc.

3.4 The adverse impact on the various components of the environment due to the operation of the crusher and mine by the non applicant can be assessed as follows:-

3.4.1 Aquatic Environment: No industrial contaminated water is generated from the process of operation of the mine and crusher of the applicant. The rain water collected in the mine is pumped out through pumps and is used for dust suppression on the roads through mobile tankers. After the mining period is over, its use for rain water harvesting will be beneficial for the environment of the area.

3.4.2 The ambient air quality conducted by the Air Environment Board in the past years was found as follows:-

Sr. No.	Date	Details of monitoring stations	Standard (Micro gram / cubic meters)	Result (Micro gram / cubic meters)
1.	04.05.2009	At the distance of 10 meters from the crusher near gate	500	427.57
2.	21.02.2012	At the distance of 10 meters from the crusher	600	570.23
3.	07.11.2014	At the distance of 10 meters from the crusher	600	319.23 and 482.12

The measurement of ambient air quality of non applicant's crushers by the Board from time to time was found as per standards prescribed by the Board **(Annexure-7)**. The land surrounding the industry is not fertile; however agriculture is practiced by the local residents for their livelihood. There seems to be no possibility of adverse impact of crusher on agriculture. No adverse effect or dust accumulation was found in the crop even during the inspection in prima facie. Sarpanch of Gram Panchayat Banka vide its letter dated 10.11.2014 **(Annexure-8)** has clarified that there is no damage to the crops. The above intention has also been confirmed by the Mineral Department, Umaria, vide its letter dated 05.12.2014 **(Annexure-9)**, in which any adverse effect on forest land and agricultural land has been denied. However, it was found by the inspection team that the non-applicant has not provided personal protective equipments to the closely operators and laborers working in the mine. Therefore, the possibility of adverse effect on the health of such employees working for a long time cannot be ruled out.

3.4.3 Socio-economic environment

3.4.3.1 The assessment of the economic and social progress of the rural area is based on the quality of agriculture in that area. There is no availability of agricultural land in the villages surrounding the crusher and mine area of the non-applicant and the agriculture's situation does not seem to be good. Lack of industries in the area and the villagers have animal husbandry or single crop agriculture as the only means of earning their livelihood. 15-20 people get direct employment in the area by the operation of crusher and mine, which can be considered as a positive effect of non-applicant industry. At the same time, the adverse effect on their health due to working in the absence of necessary personal protective equipment is a negative factor, the value of which is higher than the employment they get. Therefore, the non applicant should take necessary action in this direction.

3.4.3.2 As a result of earning money and getting profit by

*harnessing the minerals of the area, it becomes the responsibility of any industry to ensure its participation in the development of that area. However, Sarpanch Gram Panchayat Banka, vide its letter dated 10.11.2014 (**Annexure-10**), has informed that non-applicant helps in religious and social works of the area and water is provided to artisans for irrigation from their borewells. The said area is completely underdeveloped and tribal dominated. No toilets in the primary schools located near the village Majholi, Banka, Dadra, Bandhadev etc., near to non applicant's area. There is no facility of drinking water for the students studying in the schools. Underground drinking water sources in rural areas dry up or hand pumps do not work. The non-applicant can contribute to the economic and social environment of the area by participating in such work. Therefore, contribution should be more to non-applicant mines and crushers for the improvement of socio-economic environment.*

3.4.4 Disposal of hazardous waste

*The process of crusher industry does not generate hazardous waste. Waste oil generated from generators for crusher operation is disposed off by the recycler M/s Bhaskar Lubricants Pvt. Ltd, Jabalpur authorized by board. A copy of the manifest regarding sale of spent oil to the authorized recyclers by the industry is attached (**Annexure-11**). Therefore, generally, no other environmental damage from the hazardous wastes of the industry is estimated.*

4. Conclusion

4.1 *The geographical location of the unclaimed mine and crusher is far away from the residential area, villages and agriculture land. Water pollution is not probable and as a result of controlled air pollution, the adverse effect on environmental components cannot be assessed. As a result of non-regular health check-up, non-providing of personal protective equipment of laborers the possibility of adverse impact on their health cannot be ruled out in the present situation. The arrangements made for air pollution control are appropriate but there is always scope for improvement. Therefore, the industry should specially arrange for water sprinkling on other equipments of the crusher such as conveyor belts, vibrating screen and stock piles of soil and other products so that dust can be removed due to the strong wind especially in summers.*

4.2 *The industry of non-applicant is situated in a tribal-dominated and underdeveloped poor area. The villagers are getting employment from the crusher and mine of the industry of non-applicant but there is a lack of basic facilities in the surrounding villages. The condition of drinking water, toilets etc. in schools are pathetic. Therefore, it would be appropriate for the non-applicant industry to make efforts in this direction for the upliftment of the socio-economic environment.*

4.3 *In view of additional improvement, the non-applicant is required to improve the collection system of empty diesel, etc., stored in the premises or these can be sold through authorized recyclers.”*

(English Translation by Tribunal)

18. Tribunal considered the matter on 06.05.2015 and in respect of past violations found it appropriate to direct PP to deposit Rs. 5 lakhs as Environment Compensation for restoration of environment. This order was challenged by respondent 5 in **Civil Appeal 9145 of 2015** before the Supreme Court **M/s Tirupati Buildcom Pvt. Ltd. Vs. LAKHAN SINGH DHURVE & Ors.** wherein an interim order was passed on 29.04.2016 staying on operation of Tribunal's order dated 06.05.2015.

19. Tribunal thereafter took up the matter on 18.10.2016 and after noticing Supreme Court's order dated 29.04.2016, took the view that proceedings have not been stayed therefore observed that the amount of 5 lakhs deposited with Registrar will be subject to the order passed by the Supreme Court. Further, it considered the matter on merits and observed as under:

"We have heard the Learned Counsel appearing for the State as well as the Learned Counsel for the P^oCB and have also perused the replies that have been filed.

From the reply filed by the Respondent No. 1 to 3 on the queries that were made by the Tribunal in the order dated 11.03.2015 that in terms of sub-section 1 read with sub-section 3 of Section 234 of the Land Revenue Court it was permissible for the Collector to divert unoccupied land out of the pasture land which is one of the categories mentioned in sub clause 'b' of the Sub clause 1 of Section 237. The submission of the Learned Counsel for the State was, therefore, that in terms of the aforesaid previous land for the mining purposes was allotted to the Respondent No. 5.

As per the details given in the reply the allotment has been made after securing minimum 2% of the total agricultural land as required by the provisions contained in 237 (1) & 237 (2) of the Act as applicable in the year 2008 when leased was granted. It is submitted in the reply that 33.346 hectares of land for grazing as 'Charagah' is still available in the village which is more than 2% of the total agricultural land of the village.

So far as the stone crusher is concerned in the reply filed by the State it is given out that the Respondent No. 5 / M/s Tirupati Buildcom has set up the stone crusher on land bearing Khasta No. 375/01 (an area of 0.809 hectares), Khasra No. 375/02 (an area of 2.436) hectares and Khasta No. 379 (an area of 0.462 hectares) which is under the private ownership and not part of the un-occupied land or the Charagah' land as alleged in the Original Application (Writ Petition) filed before the Hon'ble High Court. It is submitted that this stone crusher of the Respondent No. 5 is situated on the private land.

We have considered the reply filed by the MPPCB which had conducted an inspection on 07.11.2014 and subsequently again on 05.02.2015. As per the reports submitted before us the shortcomings which had been pointed out during previous inspections have been rectified. However, so far as the siting guidelines are concern there appears to be ambiguity in the reply filed before us as it is mentioned in para no. 5 of the inspection report filed on 11.11.2014 that 'the unit of the Respondent No. 5 that is the stone mine and the stone crusher is located in an area that is rocky and has barren land also there is no dense population within one kilometer from the site.' We are of the view that the aforesaid information needs to be specified in the light of the siting guidelines. Moreover, from the material on record including satellite image that has been filed there are three schools in the vicinity of the mines and the stone crushers which are the school at Banka, school at Majhauri & and school at Dadra (Bhandhadeva), the MPPCB therefore has to give specific distances from the outer area of the these premises of the land and of the boundary of the land of the stone crusher. At the same time we further direct that distance from the village boundary for the Abadi of the village must be taken as a outer point for measuring the distance from the village to the point as well as the stone crusher. At para no. 2.4 of the report submitted by the MPPCB it is indicated that apart from the stone mine, stone quarry and the stone crusher there is also a Hot Mix Plant and Cement Pipe / Pole industry. The MPPCB needs to submit whether necessary consents 'Consent to Establish & Consent to Operate in respect of both these units had been granted by the MPPCB authorities considering all relevant factors in that behalf. The MPPCB authority shall also submit a copy of last inspection as well as the report of the Air Ambience Quality at both sites of the stone crusher and the mines as also the Hot Mix Plant and the cement pipe industry. It would be open for the MPPCB to carry out the fresh inspection on the relevant affected area and submit the report in addition to what has been ordered above. Let the matter be listed on 16th November, 2016."

20. Thereafter matter was taken up on 28.11.2016. Noticing the fact that mining operation and stone crusher unit are already closed and not in operation, Tribunal decided to consign the matter to record with the further observation that matter pending in Supreme Court shall be governed by the order of Supreme Court.

21. Thereafter Civil Appeal no. **Civil Appeal 9145 of 2015** has been decided by Supreme Court vide judgement dated 18.07.2023 and Supreme Court's order reads as under:

"In our opinion, the Impugned order dated 06.05.2015 passed in Original Application No. 40/2014 titled "Lakhan Singh Dhurve vs. state of M.P. and Ors.", whereby the appellant - Tirupats Buildoom Pvt. Ltd. has been asked to deposit Rs.5,00,000/- (rupees five lakhs

only) with the Registrar, National green Tribunal (NGT), Central Zone Bench, Bhopal is unsustainable as it does not give any reasons or grounds for issuing the direction.

The appellant - Tirupati Buildcom Pvt. Ltd. was asked to file earlier orders passed by the NG to ascertain whether any grounds or reasons are given therein. Earlier orders have been filed, but they are equally silent.

Learned counsel for respondent No.5-Madhya Pradesh Pollution Control Board submits that there were violation of the conditions imposed while giving consent to operate. Whether this is correct or not has to be examined and considered by the NGT.

We are informed that the proceedings before the NGI have not culminated into a final order. Possibly, the NCT has not proceeded as notice was issued in the present appeal vide order dated 29.04.2016. This order had merely stayed the operation of the impugned judgment/order dated 06.05.2015 and not the proceedings before the NGT.

Be that as it may, we set aside and quash the impugned order dated 06.05.2015 on the ground and reason that it is a non-speaking and non-reasoned order. Accordingly, the proceedings will continue before the NGT. It will be open to the NGT to pass a fresh order including an order directing interim compensation etc., after hearing parties, examining documents and recording reasons.

We clarify that we have not expressed any opinion on the merits of the case.

In order to cut short delay, parties are directed to appear before the NGT on 09.08.2023.

Learned counsel appearing on behalf of respondent No.5 - Madhya Pradesh Pollution Control Board states that the Board has filed a copy of inspection report. The inspection report would also be considered by the NGT.

The appeal is allowed in the above terms.

Pending applications(s), if any, shall stand disposed of.”

22. From the record it appears that initially there was violation of conditions of consent on the part of respondent 5 and therefore he was liable to pay environment compensation on the Principle of **‘Polluters Pay’**. The quantum of compensation could have been assessed on the basis of turnover of PP or the sale price of mineral excavated and other relevant principles laid down by Supreme Court in **SCC Goa Foundation Vs. Union of India and Others (2014) 6SCC590, Goel Ganga Developers India Private Limited Vs. Union of India (2018) 18SCC257 and Common Cause Vs. Union of India (2017) 9SCC499.**

23. However, taking a considerate view in the matter, this Tribunal directed respondent 5 to deposit only Rs. 5 lakhs as compensation which

has been deposited, in respect of past violations which were admittedly committed by it though subsequently it claimed to have removed those violations but subsequent removal of the violations will not condone past violations and PP is liable to pay compensation for the past violations.

24. PP has not appeared before Tribunal to place any submissions either to show that the amount of compensations directed to be deposited by it is not in accordance with law or that there was no violation at all. In these circumstances direction of deposit of compensation in our view cannot be said to be incorrect or illegal or unjustified. Since mining operations and stone crushing units have already been closed, in this regard, no further order is required.

25. In these circumstances, OA is disposed of with the direction that amount of compensation deposited by respondent 5 shall be utilized for restoration/rejuvenation/ remediation of the environment for which a Joint Committee comprising MPPCB, Collector, Umaria, a representative of CPCB and DFO, Umaria shall prepare a plan within 2 months and thereafter shall take steps for execution thereof and the amount of Rs. 5 lakhs lying deposit with the Tribunal shall be released in execution of the said plan.

26. A copy of this order be sent to the MPPCB; Collector, Umaria, CPCB and DFO, Umaria by email for ensuring requisite compliance.

Sudhir Agarwal, JM

Dr. Afroz Ahmad, EM

August 22, 2023
Original Application No.40/2014(CZ)
N



मध्यप्रदेश प्रदूषण नियंत्रण बोर्ड,
पर्यावरण परिसर, ई-5, अरेरा कॉलोनी, भोपाल-462016

Fax No : +91-755-2463742 E-mail : mppcb@rediffmail.com



क्रमांक प्रति	विधि/ NGT(CZ./प्रनिबो/23	भोपाल, दिनांक	23.
1.	कलेक्टर एवं जिला दण्डाधिकारी, कलेक्टर कार्यालय जिला उमरिया(म.प्र.)	2.	क्षेत्रीय निर्देशक, केन्द्रीय प्रदूषण नियंत्रण बोर्ड, क्षेत्रीय निर्देशालय (मध्य), परिवेश भवन, पर्यावरण परिसर ई-5, अरेरा कॉलोनी, भोपाल(म.प्र.)
3	जिला वन मण्डाधिकारी जिला उमरिया (म.प्र.)		

विषय :- माननीय राष्ट्रीय हरित अधिकरण, भोपाल बेंच में विचाराधीन प्र.क 40/2014 (श्री लखन सिंह धुर्वे विरुद्ध मध्यप्रदेश शासन) द्वारा दिनांक 22.8.2023 को पारित आदेश के अनुपालन बावत् ।

उपरोक्त विषयान्तर्गत कृपया माननीय राष्ट्रीय हरित अधिकरण द्वारा पारित आदेश दिनांक 22.08.23(संलग्न) का अवलोकन करें । एनजीटी द्वारा प्र.क 40/2014 (श्री लखन सिंह धुर्वे विरुद्ध मध्यप्रदेश शासन) के अंतर्गत दिनांक 22.8.2023 को आदेश पारित कर प्रकरण **Disposed** किया गया है। जिसके मुख्य अंश निम्नानुसार है :-

"In these circumstances, OA is disposed of with the direction that amount of compensation deposited by respondent 5 shall be utilized for restoration/rejuvenation/ remediation of the environment for which a Joint Committee comprising MPPCB, Collector, Umaria, a representative of CPCB and DFO, Umaria shall prepare a plan within 2 months and thereafter shall take steps for execution thereof and the amount of Rs. 5 lakhs lying deposit with the Tribunal shall be released in execution of the said plan."

अतः अनुरोध है कि माननीय एनजीटी द्वारा पारित आदेश के अनुपालन में निर्धारित समय-सीमा में आवश्यक कार्यवाही करने का कष्ट करें।

संलग्न :- उपरोक्तानुसार

(चन्द्र मोहन ठाकुर)

आई.ए.एस

सदस्य सचिव

भोपाल, दिनांक

14 SEP 2023

क्रमांक 2777 विधि/ NGT(CZ./प्रनिबो/23

प्रतिलिपि :-

1. उप सचिव, मुख्य सचिव, कार्यालय मध्यप्रदेश शासन, मंत्रालय, वल्लभ भवन भोपाल की ओर सूचनार्थ।
2. प्रमुख सचिव, मध्यप्रदेश शासन, पर्यावरण विभाग, मंत्रालय, वल्लभ भवन भोपाल की ओर सूचनार्थ।
3. क्षेत्रीय अधिकारी, क्षेत्रीय कार्यालय, म.प्र. प्रदूषण नियंत्रण बोर्ड, शहडोल की ओर लेख है कि संयुक्त समिति से समन्वय स्थापित कर आदेश की पालनाार्थ निर्धारित समय-सीमा में आवश्यक कार्यवाही करके मुख्यालय को अवगत करावे ।

30/9/23 NGT

WAC(1)

(1)

U.S. (BMW)

सर्व सूचनार्थी की

प्रतिनिधि नामांकन

निर्देश

(चन्द्र मोहन ठाकुर)

आई.ए.एस

सदस्य सचिव

नर. ठाकुर

प्रतिनिधि

30/9/23



75
आज़ादी का
अमृत महोत्सव

कार्यालय कलेक्टर एवं जिला दण्डाधिकारी उमरिया(म.प्र.)

फोन नं. (07653) कार्या. 222600 नि. 222700 फैक्स नं. 222106 Email/ID dmumaria@mp.gov.in

-:आदेश:-

उमरिया, दिनांक 05.10.2023

क्रमांक/एस.सी./2023/3541/माननीय राष्ट्रीय हरित अधिकरण भोपाल बेंच में विचारधीन प्रकरण 40/2014 श्री लखन सिंह धुर्वे विरुद्ध म0प्र0 शासन में पारित आदेश दिनांक 22/08/2023 के अनुसार प्रतिवादी क्रं. 5 के द्वारा जमा की गई पर्यावरण क्षतिपूर्ति की राशि का उपयोग पर्यावरण की बहाली/कायाकल्प /उपचार किये जाने हेतु कलेक्टर जिला उमरिया, केन्द्रीय प्रदूषण नियंत्रण बोर्ड (मध्य), भोपाल तथा जिला वन मण्डल अधिकारी जिला उमरिया की समिति गठित कर 02 माह अर्थात् 22/10/2023 तक पर्यावरण एक्सन टेकन प्लान तैयार करने के निर्देश दिये गये हैं।

माननीय राष्ट्रीय हरित अधिकरण भोपाल बेंच में विचाराधीन प्रकरण 40/2014 श्री लखन सिंह धुर्वे विरुद्ध म.प्र.शासन में पारित आदेश दिनांक 22/08/2023 के पालन हेतु जिला खनि अधिकारी, जिला उमरिया को कलेक्टर प्रतिनिधि नियुक्त किया जाता है।


कलेक्टर

जिला उमरिया (म.प्र.)
उमरिया, दिनांक 05/10/2023

पृ.क्रमांक/एस.सी./2023/3541
प्रतिलिपि:-

1. सदस्य सचिव म.प्र.प्रदूषण नियंत्रण बोर्ड पर्यावरण परिषद, ई-5, अरेरा कालोनी भोपाल की ओर सूचनार्थ।
2. आयुक्त, शहडोल संभाग शहडोल की ओर सूचनार्थ।
3. वनमण्डलाधिकारी, वन मण्डल जिला उमरिया की ओर सूचनार्थ ।
4. क्षेत्रीय अधिकारी, म.प्र.प्रदूषण नियंत्रण बोर्ड शहडोल की ओर आवश्यक कार्यवाही हेतु।
5. खनि अधिकारी, जिला उमरिया की ओर पालनार्थ।


कलेक्टर

जिला उमरिया (म.प्र.)

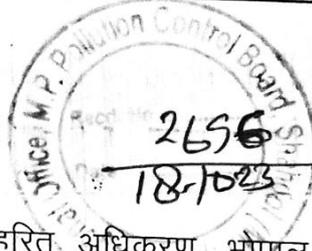
कार्यालय वनमण्डलाधिकारी वनमण्डल उमरिया (म.प्र.)

Phone - 07653-22217, Mo.No. 9424794505, E-mail - dfotumaria@mp.gov.in

क्रमांक/स्टेनो/3401
प्रति,

उमरिया दिनांक/03.10.2023

वन परिक्षेत्राधिकारी
चंदिया



विषय :- माननीय राष्ट्रीय हरित अधिकरण, भोपाल बेंच में विचाराधीन प्र.क्र. 40/2014 (श्री लखन सिंह धुर्वे विरुद्ध मध्यप्रदेश शासन) द्वारा दिनांक 22.08.2023 को पारित आदेश के अनुपालन बावत्।

संदर्भ :- कलेक्टर जिला उमरिया का पत्र क्र./1391/खनिज/2023 उमरिया दिनांक 03.10.2023

विषयान्तर्गत संदर्भित पत्र की छायाप्रति संलग्न कर प्रेषित की जा रही है, का अवलोकन करें। जिसके अनुसार माननीय राष्ट्रीय हरित अधिकरण द्वारा प्रकरण क्र. 40/2014 श्री लखन सिंह धुर्वे विरुद्ध म.प्र. शासन में दिनांक 22.08.2023 को आदेश पारित कर प्रकरण डिस्पोज किया गया है। प्रकरण में उल्लेखित स्थल ग्राम बांका, तहसील बांधवगढ़, जिला उमरिया है। आप स्वयं मौका स्थल पर जाकर मौका मुआयना कर क्षेत्रीय अधिकारी, म.प्र. प्रदूषण नियंत्रण बोर्ड शहडोल (म.प्र.) मो.नं. 8319606134 से समन्वय स्थापित करते हुए पर्यावरण सुधार/क्षतिपूर्ति हेतु वृक्षारोपण इत्यादि संबंधित प्रोजेक्ट 5 लाख रुपये तक की लागत राशि का तैयार कराया जाना सुनिश्चित करें एवं की गयी कार्यवाही से इस कार्यालय को अवगत करावें। ताकि तदनुसार माननीय राष्ट्रीय हरित अधिकरण के उक्त आदेश का पालन सुनिश्चित किया जा सके।

संलग्न :- संदर्भित पत्र पृ.क्र. 01 से 31 तक

वनमंडलाधिकारी

वनमंडल उमरिया (म.प्र.)

उमरिया दिनांक/03.10.2023

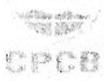
पृष्ठां. क्र./स्टेनो/3492
प्रतिलिपि :-

1. कलेक्टर उमरिया की ओर संदर्भित पत्र के तारतम्य में सूचनार्थ सम्प्रेषित।
2. क्षेत्रीय अधिकारी, क्षेत्रीय कार्यालय म.प्र. प्रदूषण नियंत्रण बोर्ड शहडोल (म.प्र.) की ओर प्रेषित। कृपया वन परिक्षेत्राधिकारी चंदिया, मो.नं. 7869208336 से सम्पर्क कर उपरोक्तानुसार कार्यवाही में सहयोग करने का कष्ट करें।
3. उप वनमण्डलाधिकारी उमरिया की ओर सूचनार्थ एवं आवश्यक कार्यवाही हेतु, प्रेषित।

वनमंडलाधिकारी

वनमंडल उमरिया (म.प्र.)

VC(BWP)
18.10.2023



क्षेत्रीय निदेशालय (मध्य), भोपाल
केन्द्रीय प्रदूषण नियंत्रण बोर्ड
 (पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)

क्र.नि.भो/एन.जी.टी.ओ.ए-40/2014(CZ)/112/

दिनांक: 20 सितंबर, 2023

प्रति

Most urgent
NGT Case

सदस्य सचिव
 म.प्र. प्रदूषण नियंत्रण बोर्ड
 पर्यावरण परिसर
 ई-5, अरेरा कालोनी
 भोपाल - 462 016

विषय NGT OA No. 40/2014(CZ) "Lakhan Singh Dhurve Vs. State of Madhya Pradesh & Ors." में अधिकारी के नामांकन बाबत।

संदर्भ माननीय एन.जी.टी. द्वारा पारित आदेश दिनांक 22.08.2023

महोदय,

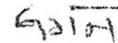
कृपया माननीय एन.जी.टी. द्वारा दिनांक 22.08.2023 को विषयांकित प्रकरण में पारित आदेश का अवलोकन करने का कष्ट करें। विषयांकित प्रकरण में माननीय एन.जी.टी. द्वारा संयुक्त समिति का गठन किया गया है, जिसमें मध्यप्रदेश प्रदूषण नियंत्रण बोर्ड, कलेक्टर-उमरिया, केन्द्रीय प्रदूषण नियंत्रण बोर्ड के प्रतिनिधि तथा जिला वन अधिकारी (DFO) शामिल है।

उपरोक्त आदेश के माध्यम से प्रकरण को निरस्त करते हुये निम्नानुसार निर्देश दिये गये:-

परियोजना प्रस्तावक (Project Proponent) द्वारा पर्यावरणीय क्षतिपूर्ति बाबत जमा किये जाने वाले राशि का उचिततः पर्यावरणीय सुधार कार्य हेतु उपयोग किये जाने के निर्देश उपरोक्त आदेश के माध्यम से माननीय एन.जी.टी. द्वारा दिये गये हैं। उक्त आदेश द्वारा गठित समिति स्थान का दौरा करने के पश्चात् 02 माह के भीतर जिर्णोद्धार, पुनर्स्थापना तथा उपचार हेतु योजना (Rejuvenation, Restoration and Remediation Plan) तैयार कर माननीय एन.जी.टी. के समक्ष प्रस्तुत करना होगा एवं समिति द्वारा उक्त कार्य को निष्पादित करना होगा।

उक्त कार्य हेतु इस कार्यालय से श्री सुनील कुमार मीणा, वैज्ञानिक 'घ' (मोबाइल नं. 9617007250, ईमेल- sunil.cpcb@gov.in) को नामित किया जाता है। आपसे यह अनुरोध है कि क्षेत्रीय स्तर पर समन्वय कर सदस्यों का नामांकन आमंत्रित करने हेतु संबंधित अधिकारी को निर्देशित करने एवं इस कार्यालय को सूचित करने का कष्ट करें ताकि नियत तिथि के पूर्व की गई कार्यवाही संबंधी प्रतिवेदन माननीय एन.जी.टी. के समक्ष प्रस्तुत किया जा सकें।

भवदीय,



(पी. जगन)
 क्षेत्रीय निदेशक

संलग्नक उपरोक्तानुसार।

प्रतिलिपि

- (1) डिप्टी जेनरल हेड, विधि अनुभाग, के.प्र.नि.बोर्ड, दिल्ली
- (2) क्षेत्रीय अधिकारी, म.प्र.प्र.नि.बोर्ड, क्षेत्रीय कार्यालय, शहडोल
- (3) श्री सुनील कुमार मीणा, वैज्ञानिक 'घ', के.प्र.नि.बोर्ड, भोपाल

- की ओर कृपया सूचनार्थ।
- की ओर सूचनार्थ एवं पालनार्थ।

क्षेत्रीय निदेशक

"राजभाषा हिन्दी में पत्र व्यवहार का स्वागत है"

पता: "परिवेश भवन"

पर्यावरण परिसर, ई-5, अरेरा कालोनी, भोपाल-462016

दूरभाषण नं.: 0755-2775385, 2775386

क्षेत्रीय निदेशक दूरभाषण नं.: 0755-2775384

ई-मेल: cpcb.bhopal@gmail.com, वेबसाइट: www.cpcb.nic.in

मुख्यालय:

परिवेश भवन

पूर्वी अर्जुन नगर, दिल्ली-110032

दूरभाषण नं.: 011-43102030

"गिंगल यूज़ प्लास्टिक" का करें बहिष्कार"

कार्यालय कलेक्टर एवं जिला दंडाधिकारी जिला उमरिया (म.प्र.)

कार्यालय दूरभाष क्रमांक 07653-222600 फैक्स 222106
Email - doria@mpic.in

क्रमांक/977/वन/कले./2023/P.A.

उमरिया, दिनांक 18/09/2023

-:: आदेश ::-

माननीय नेशनल ग्रीन ट्रिब्यूनल सेंट्रल जोनल बेंच, भोपाल द्वारा याचिका क्रमांक Original Application No. 40/2014(CZ) श्री लखन सिंह धुर्वे विरुद्ध म.प्र. शासन एवं अन्य में पारित निर्णय दिनांक 22.08.2023 के पालन में प्रकरण अंतर्गत प्रतिवादी 5 द्वारा जमा की गई मुआवजे की राशि का उपयोग पर्यावरण की बहाली/पुनरुद्धार/सुधार हेतु किये जाने हेतु एक समिति का गठन किया जाता है, जिसमें निम्नानुसार सदस्य शामिल होंगे:-

- | | | |
|--|---|---------|
| 1. कलेक्टर एवं जिला दंडाधिकारी उमरिया | - | अध्यक्ष |
| 2. वनमण्डलाधिकारी, वनमण्डल उमरिया | - | सदस्य |
| 3. क्षेत्रीय अधिकारी, मध्य प्रदेश प्रदूषण नियंत्रण बोर्ड | - | सदस्य |

यह आदेश तत्काल प्रभावशील होगा।

(बुद्धेश कुमार वैद्य)
कलेक्टर

एवं जिला दण्डाधिकारी
जिला उमरिया (म.प्र.)

पृष्ठां. क्रमांक/978 /वन/कले./उम./2023/P.A.1

उमरिया, दिनांक 18/09/2023

प्रतिलिपि :-

1. माननीय नेशनल ग्रीन ट्रिब्यूनल सेंट्रल जोनल बेंच, भोपाल (म.प्र.) की ओर सादर सूचनार्थ।
2. वनमण्डलाधिकारी, वनमण्डल उमरिया की ओर सूचनार्थ एवं आवश्यक कार्यवाही हेतु।
3. क्षेत्रीय अधिकारी, मध्य प्रदेश प्रदूषण नियंत्रण बोर्ड शहडोल की ओर सूचनार्थ, आवश्यक कार्यवाही हेतु।

कलेक्टर

एवं जिला दण्डाधिकारी
जिला उमरिया (म.प्र.)





 **GPS Map
Camera Lite**

MQ94+MR3, Rampur, Madhya Pradesh 484660, India

Latitude
23.66922675873262°

Longitude
80.75720138918736°

Local 01:13:00 PM
GMT 07:43:00 AM

Altitude 423 meters
Thursday, 12.10.2023



 **GPS Map
Camera Lite**

MQ94+MR3, Rampur, Madhya Pradesh 484660, India

Latitude
23.669162560350095°

Longitude
80.75722683205882°

Local 01:12:12 PM
GMT 07:42:12 AM

Altitude 423 meters
Thursday, 12.10.2023



 **Banka Mine**  

Perimeter
150.83 m 

Area
0.19 ha 

 Edit

 Layers